The City Council of the City of Raleigh met in regular session on Tuesday, February 19, 1985, at 1:00 p.m. in the City Council Chamber of the Municipal Building, 222 West Hargett Street with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mr. Calloway - absent and excused.

Mayor Upchurch called the meeting to order and invocation was rendered by the Reverend Janice Patty of Pullen Memorial Baptist Church. Mayor Upchurch introduced representatives of Exxon from Houston, Texas who were here to do a research for a feature story in their trade publication pointing out they had just learned that one of their dealers is the Mayor of a major United States city. The following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

***VOLUNTEER OF THE MONTH - MRS. ALISHA WRIGHT - PLAQUE PRESENTED

Mayor Upchurch explained the Volunteer of the Month program and presented a plaque to Mrs. Alisha Wright as the Volunteer of the Month. He read activities in which Mrs. Wright has been involved pointing out she is supportive of all community activities and is always willing and ready to help.

***CERTIFICATES OF APPOINTMENTS

Mayor Upchurch explained the Certificate of Appointment presentation and presented the following certificates: Appearance Commission - Norma Burns; Downtown Advisory Committee - Steve Harrell; Greenway Commission - Ted Dossett and Stanley N. Williams; Parks and Recreation Advisory Board - Jeannette Bennett and Robert E. Monroe; Telecommunications Commissions - Laura Kranifeld.

CONSENT AGENDA

***CONSENT AGENDA - APPROVED AS PRESENTED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. Mayor Upchurch pointed out the vote on the Consent Agenda would be a roll call vote. No one asked for an item to be pulled from the Consent Agenda. Ms. Babb asked to be excused from participation in the vote as it relates to the design contract amendment - Lower Walnut Creek Greenway - as her husband is involved in this project. Without objection, Mrs. Babb was excused from voting on that item. Mr. Congleton moved Administration's recommendations on the Consent Agenda be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items under Consent Agenda were as follows:

***PRIVILEGE LICENSE - VARIOUS - APPROVED

1. This is a privilege license application for "The Grecian Corner of YWCA," located at 1012 Oberlin Road. The manager, Harry J. Vassilion, is the individual making application. City Code Sections 2-2032(2) and 12-2118(2) require City Council approval before a license may be issued for a dance hall, classified as a class one entertainment center. The Police and Inspections reports indicate approval.

   Recommendation: That Council approve the privilege license application.

2. This is an application for a masseuse license requiring City Council approval under City Code Section 12-2136. The applicant's name is Jill A. Bugbee. She will be conducting her business at Young Women's Christian Association of Wake County, Inc., located at 1012 Oberlin Road. The Police report indicates approval.

   Recommendation: That Council approve the privilege license application.

Consent Agenda approval: Congleton/Cates - 8 ayes.

***REZONING HEARINGS - MARCH - SCHEDULED FOR MARCH 19 AND 21

Twenty-five requests for zoning map changes were received by the January 31 deadline.

Recommendation:

That there be two public hearings with the first on Tuesday, March 19, 1985, at 6:30 p.m. and the second on Thursday, March 21, 1985, at 6:30 p.m.; and that the Council

David E. Ogega, Safeway Cab Company (New Individual Owner's Permit)

Charles Jennings Prince, Jr., and Wayne Edward Leechford, Airport-Hotel-Campus Express (New Limousine Franchise)

Garland Thompson, Jr., Ebony Cab Company (Renewal of Individual Owner's Permit)

Mrs. Arranda L. Sanders, Associated United Cab Company (New Individual Owner's Permit)

Recommendation: That the applications be approved on a second and final reading. Consent Agenda approval: Congleton/Cates - 8 ayes.

***TAXICAB OWNERS PERMITS - APPROVED ON FIRST READING - TO BE PLACED ON MARCH 5, 1985, AGENDA

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City Code. Approval is recommended. If approved, these applications will be placed on the March 5, 1985, Agenda for second and final consideration.

Lloyd Reginald Campbell, Holiday Cab Company (Renewal of Individual Owner's Permit)

Richard Lee Trusdale, Associated Cab Company
(Renewal of Individual Owner's Permit)

Consent Agenda approval: Congleton/Cates - 8 ayes.

***REIMBURSEMENT CONTRACT - DEVELOPMENT ASSOCIATES, INC. - APPROVED

A reimbursable contract for an oversized street has been prepared for Council approval and the Mayor's signature. Costs have been certified by the Central Engineering Department.

Development Associates, Inc.
Oversized Street - Bridgeport Drive
$27,556.26

Recommendation: Approval is recommended and authority for the Mayor's signature is requested. Consent Agenda approval: Congleton/Cates - 8 ayes.

***CIVIC CENTER - RENT-FREE USE - INFORMATION RECEIVED

Approval has been granted for rent-free use of the VIP Lounge and Meeting Room A at the Civic Center on Thursday, February 28, 1985, from 11:45 a.m. to 1:30 p.m. for the Economic Development Round Table Meeting. The item was received as information without comment.

***TRAVEL REIMBURSEMENT - CITY COUNCIL MEMBER - APPROVED

In accordance with Resolution No. (1982)-829, adopted on February 16, 1982, the following travel plans have been submitted by Councillor Congleton:

Location: Indianapolis, Indiana

Date: April 14 - 17, 1985

Purpose: To attend the City Assets Conference sponsored by Partners for Livable Places (Appearance Commission)

Estimated Reimbursement: $1037

Consent Agenda approval: Congleton/Cates - 8 ayes.

***SANITARY SEWER EASEMENT - BROOKHAVEN SECTION XVII - NANNIE HUNTER PROPERTY - CONDEMNATION RESOLUTION ADOPTED

Efforts have been unsuccessful to obtain needed right-of-way, therefore, we are recommending that a resolution of condemnation be authorized.

Name: Nannie Hunter, Heirs

Site Location: 6217 Hunter Street

Project Name: 20-inch Sanitary Sewer Easement (Brookhaven Section XVII - Existing Hampton Oaks Outfall, 2000 feet east)

Consent Agenda approval: Congleton/Cates - ayes. See Resolution 713.

RESOLUTION (1985) - 713

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OF THE NANNIE HUNTER HEIRS.

WHEREAS, the City Council of the City of Raleigh hereby determines that it is necessary and in the public interest to acquire certain property owned by the heirs of Nannie Hunter for the following public purpose:

> To protect the public health, to provide the public with an adequate and sound sewage collection and disposal system, and to improve such system to meet the need for expanded or upgraded services, specifically, to construct and install a sanitary sewer main to serve Brookhaven, Section XVII.

WHEREAS, the proper officials or representatives of the City have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE RALEIGH CITY COUNCIL, THAT:

1. The City shall acquire by condemnation, for the purposes stated above, the property and interest described as follows:

> An easement for sanitary sewer purposes across the property of Nannie Hunter, as shown on a map prepared by the City of Raleigh Department of Central Engineering, dated 8-16-83, as revised 4-20-84 and 10-4-84, recorded in map Book 1984, page 1195 and re-recorded in Book 1984, p. 1854.

2. The attorneys representing the City are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Adopted: February 19, 1985

Effective: February 19, 1985

***NEUSE RIVER WASTEWATER TREATMENT PLANT - CHANGE ORDER #1 - APPROVED - FUNDS TRANSFERRED

This change order is a deduction of $19,800 and is known as Change Order #1 - Hockaday Heating and Air Conditioning and relates to the 40 MGD expansion at Neuse River Wastewater Treatment Plant. The Agenda outlines the reason for the change order and the budget line items that need to be amended if the change order is approved. Consent Agenda approval: Congleton/Cates - 8 ayes. See Ordinance 494 TF 16.

***METHODIST HOME PROPERTY - GARRIS BUILDING - ADMINISTRATIVE CHANGE ORDER - APPROVED

The Agenda presented an administrative change order which was an addition of $700.00 as it relates to the Garris Building on the Old Methodist Home Property. The change order is known as Change Order #1 - Hayes Construction Company. The Agenda outlined the budget accounts that have been amended administratively by the City Manager. Concurrence with the Manager's action on approval of this administrative change order is recommended. Consent Agenda approval: Congleton/Cates - 8 ayes.

***TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda Packet a list of transfers which have been approved administratively according to Council procedure. Concurrence in the Manager's action is recommended. Consent Agenda approval: Congleton/Cates - 8 ayes. The transfers were as follows:

FROM	TO	AMOUNT
38-2-3040-0100	38-2-3040-0104	$800.00
01-2-4020-0631	01-2-4020-0259	900.00
19-2-8250-0227	19-2-8250-0269	350.00
01-2-4020-0229	01-2-4020-0222	900.00
01-2-5020-0700	01-2-5020-0921	400.00
40-2-1510-0100	40-2-1510-0105	756.00
01-2-5060-0611		
01-2-5060-0705		
01-2-5060-0604	01-2-5060-0226	62.27
01-2-1040-0001	01-2-1100-0701	165.00
01-2-5020-0617	01-2-5010-0260	520.00
01-2-5060-0706		
01-2-5060-0713	01-2-5060-0226	136.70
40-2-1510-0100	40-2-1510-0107	110.00
18-2-1000-0001	18-2-1000-0724	145.57
01-2-5060-0700		
01-2-5060-0725	01-2-5060-0257	317.84
18-2-1000-0001	18-2-1000-0721	87.77
18-2-1000-0001	18-2-1000-0722	117.02
18-2-1000-0001	18-2-1000-0723	146.29
18-2-1000-0001	18-2-1000-0720	65.83
01-2-1040-0001	01-2-1040-0289	150.00
01-2-1130-0266	01-2-1130-0710	309.00
01-2-1120-0213		
01-2-1120-0226		
01-2-1120-0240		
01-2-1120-0700	01-2-1120-0265	500.00
01-2-3010-0226		
01-2-3010-0265	01-2-3010-0700	863.60
01-2-5020-0623	01-2-5020-0717	83.88
01-2-5020-0617	01-2-5010-0700	210.00

***TRANSFERS - WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED

The Agenda presented recommended transfers in the Office of the City Clerk, Finance Department, Human Resources and Public Utilities Department. The Agenda outlined the code accounts that would be amended and the reason for the recommended transfer. Administration recommends approval. Consent Agenda approval: Congleton/Cates - 8 ayes.

ORDINANCE NO. (1985) 494 TF 16

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE	ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	38-2-3340-0100	Sanderford Road Park	$18,000.00
To	38-2-3340-0102	Sanderford Road Park B	18,000.00

Purpose: To establish architectural fees for Phase IV development of Sanderford Road Park.

From	01-2-1040-0001	Contingency	$ 4,535.70
To	01-2-1020-0706	Computer	4,109.70
To	01-2-1020-0226	Repairs to Off. Eqpt.	426.00

Purpose: For purchase of IBM-PC Computer, software and service contract.

From	37-2-8985-0300	Walnut Creek	$ 2,000.00
To	37-2-8985-0302	Walnut Creek Greenway Design	2,000.00

Purpose: Change Order - Walnut Creek Greenway Design - #1 - Barrett Kays and Associates.

From	81-2-1081-0201	HVAC	$19,800.00
To	81-2-1081-0104	Misc.	19,800.00

Purpose: Change Order - Neuse River WWTP 40 MGD Expansion - #2C - Hockaday Heating and Air Conditioning.

From	01-2-1040-0001	Contingency	$ 1,500.00
To	01-2-3030-0245	ACH Debit Fee	1,500.00

Purpose: To provide necessary funds to pay ACH Debit Fee to BB&T for the remainder of 84-85 Budget year.

From	02-2-4390-0101	Fringe Benefits	$ 124.79
From	02-2-4390-0268	Vol. Travel	200.00
From	02-2-4390-0268	Vol. Travel	922.09
To	02-2-4390-0100	Salaries	1,246.88

Purpose: Cover increased salary line item.

From	02-2-4390-0267	Vol. Meals	$ 15.00
From	02-2-4390-0265	Vol. Recognition	35.00
From	02-2-4390-0228	Communications	50.00
To	02-2-4390-0100	Salaries	100.00

Purpose: Cover increased salary line item.

From	84-2-1060-0000	EMJ Expansion	$50,446.45
To	84-2-1060-0102	EMJ - Engineering	50,446.45

Purpose: Provide funds for balance of engineering fees involving the EMJ Plant Expansion.

From	06-2-7030-0225	Repairs to Bldg. & Str.	$ 2,500.00
To	06-2-7030-0255	Cleaning Supplies	2,500.00

Purpose: To provide funds for remainder of fiscal year.

From	06-2-7050-0225	Repairs to Bldg. & St.	$15,000.00
From	06-2-7050-0227	Repairs to Other Eq.	44,500.00
From	06-2-7050-0258	Chemicals & Drugs	29,500.00
To	06-2-7050-0799	Terra Gator & Farm Eq.	89,000.00

Purpose: Purchase farm equipment.

From	38-2-3200-0100	Apollo Heights	$95,000.00
To	38-2-3200-0101	Apollo Heights (General)	27,339.00
To	38-2-3200-0105	Apollo Heights (Plumbing)	13,528.00
To	38-2-3200-0106	Apollo Heights (Mechanical)	17,300.00
To	38-2-3200-0107	Apollo Heights (Electrical)	12,922.00
To	38-2-3200-0104	Apollo Heights D	23,911.00

Purpose: To establish accounts for construction of Apollo Heights Community Center.

Adopted: 2/19/85

***BID REQUEST 84-49 - FRONT END LOADER - BID AWARDED TO CAROLINA WASTE SYSTEMS

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on January 24, 1985, for a truck-mounted front end loader with results as follows: Carolina Waste Systems - $19,465; Lodal, Inc. - $19,987. Administration recommends awarding the bid to Carolina Waste System. Consent Agenda approval: Congleton/Cates - 8 ayes.

***PU 1985-6 - TRYON ROAD - RESOLUTION OF INTENT ADOPTED

Administration recommends that approximately 5,700 feet of 12-inch water line be installed from the existing 12-inch main on Tryon Road to Old Garner Road, thence to tie into existing 12-inch main on Old Garner Road along Tryon Road extension. The estimated cost of the project is $171,000 and the assessment would be on a front footage basis. The project is necessary due to the annexation in the area of Tryon Road Industrial Park.

Recommendation: That the City Council adopt a Resolution of Intent and schedule a public hearing for March 19, 1985. Consent Agenda approval: Congleton/Cates - 8 ayes.

RESOLUTION NO. (1985) 714

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE WATER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the water system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefore; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct water mains located and described as follows:

PU 1985-6 - Installation of approximately 5,700 feet ± of 12-inch water line from existing 12-inch main on Tryon Road to Old Garner Road thence to tie into existing 12-inch line on Old Garner Road along Tryon Road extension.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Front footage of property abutting the extension.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 19th day of March, 1985, at 1:00 p.m., in the Council Chamber, Room 201, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: February 19, 1985

END OF CONSENT AGENDA

SPECIAL ITEMS

***REZONING Z-138-84 - INTERSTATE 40 - ORDINANCE ADOPTED ON SECOND READING

Council Members received in their Agenda packet a copy of Ordinance 486 ZC 153 which was adopted by the Council during the February 5, 1985 Council Meeting. The ordinance received only five votes, therefore, it would be appropriate to consider adoption of the ordinance on a second and final reading. Mr. Congleton moved adoption of the ordinance on a second and final reading. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative except Ms. Block and Ms. Cates who voted in the negative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 486 ZC 153

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Interstate 40, east side, at its southern intersection with Western Boulevard extension, being Parcels 591, 6A, and a portion of Parcel 21, Tax Map 547, rezoned to Thoroughfare District (44.8 acres) and Residential-10 (.48 acre), according to map on file in the City of Raleigh Planning Department. (Z-138-84)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon the date of final adoption.

Adopted: 1st reading - 2/5/85
2nd reading - 2/19/85

***ANNEXATIONS - PUBLIC HEARINGS ESTABLISHED FOR APRIL 16 AFTERNOON MEETING AND SPECIAL COUNCIL MEETING SET FOR APRIL 18, 1985, AT 11:00 A.M.

During the February 5 Council Meeting, at the recommendation of the Intergovernmental Liaison Committee, the City Council agreed that public hearings would be held on two separate dates - April 16, 1985, for residential areas and April 18, 1985, following the Work Session, for non-residential areas. It would be appropriate for Council to determine if the April 16, hearings will be in the afternoon session of the meeting or if a special night meeting is to be held since that is not a regular night meeting. The City Council would also need to set a time on April 18, as a Special Council Meeting to have the public hearings following Work Session. Mr. Walters moved that the public hearings for the residential areas on April 16 be held in the afternoon. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. Ms. Block indicated she was confused on the motion and felt that the hearings for the residential areas should be at night, therefore, she would move that the Council rescind the previous action. This did not receive a second. Mr. Walters moved that the City Council set a special meeting on April 18 at 11:00 a.m., following the Work Session, to have the public hearings on the nonresidential areas proposed for annexation. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***EASTSIDE NEIGHBORHOOD TASK FORCE - APPOINTMENTS MADE

City Manager Benton indicated Council Members received earlier today a list of names submitted by the three CACs for the Downtown East Task Force. Brief discussion took place as to how this Task Force should be appointed and the fact that it had been agreed to appoint a six-member Task Force - two from each CAC. Ms. Cates indicated she felt that the nine names submitted were very representative, therefore, she would move acceptance of the nine names for appointment to the Downtown East Task Force. Her motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

The makeup of the Task Force is as follows: Central CAC - John T. Green, Eugene Dunn, J. B. Allen; South Central CAC - Thomas E. Conway, Jr., Marjorie Debnam, William A. Perry, Jr.; North Central CAC - Lockhart Follin-Mace, John E. Stokes and Mary Poole.

REQUEST AND PETITIONS OF CITIZENS

***MUSEUM OF HISTORY - EVENTS SURROUNDING BRITISH LIBRARY EXHIBIT, "RALEIGH AND ROANOKE" - VARIOUS ACTIONS TAKEN

John D. Ellington, Administrator of the North Carolina of History, was at the meeting to explain that the British Library Exhibit, "Raleigh and Roanoke," will open at the North Carolina Museum of History with gala events on the evenings of March 6 and 7, 1985. He indicated they plan to have a fireworks exhibit on March 6 in the parking lot directly across from Archives and History explaining a permit for the fireworks display has been obtained from the County. He indicated Bill Shearin will be in charge of the fireworks, pointing out he is the same person who conducted the fireworks for the inauguration ceremony. He indicated to insure absolute safety of spectators and automobiles it is felt that the 100 block of East Jones Street should be closed. They are also requesting permission to hang a number of red and blue banners on street-light poles along the same block. He indicated in summary he is requesting the following:

1. That the 100 block of East Jones Street be closed from 6:00 p.m. until 9:00 p.m. on March 6, 1985.

2. That no parking be permitted on the 100 block of East Jones Street from 9:00 a.m. until 9:00 p.m. on March 6, 1985.

3. That the North Carolina Museum of History be granted permission to hang small banners from the street-light poles along the 100 block of East Jones Street between March 6 and June 6, 1985.

City Manager Benton indicated Administration has no objection to the closing of the 100 block with the condition that the sponsors provide barricades to physically close the street. He stated Administration would have no objection to the second request to prohibit parking on the day of March 6. He indicated the third request does cause some problems in that they are planning to use poles that are property of CP&L and they would have to get their consent for the use of these poles. He stated, in addition, the sign ordinance limits the use of banners for special events to a 30-day period. He stated there would be no objection to the banners flying for a 30-day period but Administration could not recommend allowing the banners to fly for three months. Discussion took place on the possibility of suspending the rules and allowing the banners to hang three months. City Attorney McCormick pointed out we are involved in serious litigation on our sign ordinance and he could in no way advise

the Council to waive or vary any requirements of the sign ordinance. Brief discussion took place on the fact that this is a very unusual event with Ms. Cates questioning the possibility of getting one 30-day permit and come back and get it renewed. Mayor Upchurch cautioned the Council pointing out this "special event" should be treated as all other special events as it relates to the sign ordinance. The City Attorney explained the Board of Adjustment's interpretation on special events flags. After discussion, Ms. Block moved the City Manager's recommendation be upheld, that is, that the closing of the street be allowed, the no parking be allowed as requested but that the banners be allowed only for a 30-day period provided all appropriate permits are secured. Her motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***WALK-A-THON - STUDENTS FOR AMERICA - REFERRED TO ADMINISTRATION

W. Ross Stevens, representing Students for America, was at the meeting asking permission to utilize City streets in connection with the Walk-A-Thon for Life on March 16, 1985. He presented Council Members information on Students for America as well as the proposed Walk-A-Thon which would begin on West Morgan Street, go down Glenwood Avenue, Anderson Drive, Six Forks Road and end on Hawthorne Lane. He indicated the purpose of the Walk-A-Thon is to try to raise money for a home for pregnant women pointing out they hope to raise some $20,000. He stated all contributions will for that purpose and none will go to Students for America. He stated they anticipate between 300 and 500 people so they feel that they utilize the sidewalk rather than having to close the streets.

City Manager Benton indicated this item has been reviewed by the police and generally they feel they can handle this administratively. He stated the activity is on Saturday and does involve crossing several busy intersections. He stated it is felt that on-duty police officers could address the needs of this event, therefore, Administration has no objection to issuing the permit. Discussion took place as to why this was before Council. Ms. Babb pointed out that in other cities, sometimes there has been violent outbreaks and she would ask the police to take special care to make sure there were no problems. Ms. Cates indicated she had some problems with the route, particularly Glenwood and Anderson as they are very busy intersections and both lead to major shopping centers and she would ask the City Manager to consider that. Ms. Block commended the Students for American for their purpose of raising money for a home for pregnant women but pointed out she is somewhat concerned about the route. After brief discussion, the matter was referred back to Administration for issuing a permit under the guidelines discussed.

***HILLSBOROUGH STREET - UNIVERSITY NEIGHBORHOOD PLANNING COUNCIL PROPOSAL - REFERRED TO PUBLIC WORKS COMMITTEE

Dean Claude McKinney indicated on February 18, there was a meeting of the Hillsborough Street Merchants organized by the University Neighborhood Planning Council. He stated it was well attended explaining approximately twenty businesses as well as representatives on the Planning Council were present. He stated the purpose of the meeting was to assess interest and support for a coordinated plan of development. He indicated there are two new merchants in the area of Hillsborough Street between Oberlin Road and Dixie Trail - McDonald's and The Electric Company, and they had representatives at the meeting. He indicated topics discussed were the need for a comprehensive plan, the need for intermental development, formation of a Merchants Association, possibilities of financing/implementation program and the support for the sidewalk proposal presented by McDonald's, The Electric Company and NCSU's North Hall Project. He explained the conclusions of the meeting were that probably the most important aspect of the meeting was that it occurred and that the proposals were so widely supported. He stated the meeting represents a strong commitment and involvement from merchants and this is the first step in a process. He explained to stress continuing involvement, another meeting has been scheduled for March 4 to further discuss specific actions with the need for specific input. He indicated everyone wants to improve and enhance the area and the brick sidewalk proposal was just one aspect and that there were other suggestions such as benches, lighting, trees, etc. In response to questioning, Dean McKinney indicated there was support for the proposal submitted by the Electric Company and everyone seems committed to continuing the brick sidewalk but it would take longer for some of the other merchants to formulate their plans, etc., therefore, the need for an incremental development is necessary. He stated this would maximize the ability of individual merchants and property owners to contribute and minimize the burden on the City and enhance flexibility. Brief discussion took place about the proposal for a Merchants Association. After other discussion, it was agreed to refer the proposal to the Public Works Committee to coordinate it with the discussions and proposals from The Electric Company.

***SEWER PROBLEM - HILLSBOROUGH STREET - COMMENTS RECEIVED

Rose Schwetz was at the meeting indicating she had requested time to discuss a problem with sewage on Hillsborough Street. She indicated she understands the problem is being resolved right now pointing out she understands it will be a temporary solution for the next six months to a year. She stated she does have documentation from the Health Department that they are resolving the problem. Ms. Cates indicated she understood the City was working with the problem and the owners of the Breakfast House trying to resolve the problem. She stated, however, if the Health Board doesn't correct the problem, then she hopes the City will cooperate. Ms. Block moved that this item be removed from the Agenda and if it is not resolved, it could be brought back to Council. Without objection, the item was removed.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

None

MATTERS SCHEDULED FOR PUBLIC HEARING

***UNSAFE BUILDING - 1428 SAWYER ROAD - HEARING - ORDINANCE ADOPTED

A hearing to consider adoption of an ordinance declaring the dwelling at 1428 Sawyer Road unsafe and directing that it be demolished. The property is in the name of Eliza Fellers. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mr. Congleton moved adoption of an ordinance declaring the dwelling unsafe. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE 495

AN ORDINANCE FINDING THAT THE BUILDING ON PROPERTY AT 1428 SAWYER ROAD IN THE CITY OF RALEIGH IS UNSAFE AND DIRECTING THAT IT BE DEMOLISHED

WHEREAS, the City Council of the City of Raleigh finds that the building on property described herein is unsafe under the provisions of Part 10, Chapter 6, Article D of the Code of the City of Raleigh, North Carolina, and entitled, "Unsafe Buildings," that all of the provisions of said article have been complied with as a condition of the adoption of this ordinance, and

WHEREAS, the Building on said premises should be demolished as directed by the Director of Inspections or his designee for the reason that the same is an unsafe building as described in Part 10, Chapter 6, Article D of the Code of the City of Raleigh.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Department of Inspections of the City of Raleigh be and is hereby authorized and directed to demolish the building in the City of Raleigh at the following location:

PROPERTY OWNER	LOCATION
Eliza Fellers	1428 Sawyer Road

Section 2. That the cost of demolition of the building shall become a lien upon the land upon which the building was located as provided in Part 12, Chapter 6 of the Code of the City of Raleigh, North Carolina.

Section 3. That this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. That this ordinance shall become effective February 19, 1985.

Adopted: February 19, 1985

Effective: February 19, 1985

***PUBLIC NUISANCE COST CONFIRMATION - 212 SOUTH TARBORO ROAD AND 603 EAST MARTIN STREET - HEARING - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming cost for abating public nuisances as outlined below:

212 South Tarboro Road - William D. Murrell, property owner - $103. No one asked to be heard.

603 East Martin Street - Maggie Page, property owner - $84. No one asked to be heard.

Ms. Babb moved adoption of a resolution confirming the charges as outlined. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-715

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 12, Chapter 6 of the Code of the City of Raleigh, relating to the abatement of nuisances; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 12, Chapter 6.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above referred to and makes the same a lien against the premises as provided in Part 12, Chapter 6 of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	ABATEMENT COST
William D. Murrell	212 South Tarboro Road Lot 19, Block D-17, Map B-2 I.D. No. 0049832	$103.00
Maggie Page	603 East Martin Street Lot 22, Block B-5, Map B-1 I.D. No. 0076294	84.00

Section 3. That this resolution shall become effective February 19, 1985.

***UNFIT DWELLINGS - VARIOUS LOCATIONS - HEARING - ORDINANCE ADOPTED

This was a hearing to consider adoption of an ordinance declaring the following dwellings unfit and directing that they be placarded. The Mayor opened the hearing on each case.

712 Glascock Street - Amos E. Link, Jr., property owner. Inspections Director Owens requested that this item be removed from the Agenda with no action taken as the problem has been resolved. Without objection, the item was removed.

112 South Fisher Street - Amie Ruth Jones, Property Owner. No one asked to be heard.

909 East Hargett Street - Harold A. and Laura W. Anderson, property owners. No one asked to be heard.

905 East Hargett Street - Clementine Weaver, property owner. Inspections Director Owens indicated he understands this is an active CD case, therefore, he would request that this item be removed with no action taken. Without objection, the item was removed.

617 East Lenoir Street - Hattie W. Perry, property owner. No one asked to be heard.

Ms. Cates moved adoption of an ordinance declaring the dwellings at 102 South Fisher Street, 909 East Hargett Street, and 617 East Lenoir Street unfit. Her motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. 1985-496

AN ORDINANCE FINDING THAT THE PROPERTY DESCRIBED HEREIN IS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR DEMOLISHED AS DIRECTED BY THE INSPECTIONS SUPERINTENDENT

WHEREAS, the City Council of the City of Raleigh finds that the property described herein is unfit for human habitation under the provisions of Part 10, Chapter 6, Article H of the Code of the City of Raleigh, North Carolina, entitled, "Housing Code," and that all of the provisions of said Article have been complied with as a condition of the adoption of this Ordinance; and

WHEREAS, said house should not be occupied until repaired to meet the requirements of the Minimum Housing Standards Ordinance, or that the same should be demolished as directed by the Director of Inspections or his designee, and should be placarded by placing thereon a notice prohibiting use for human habitation:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Director of Inspections of the City of Raleigh be and he is hereby authorized and directed to place a sign on the building at location listed herein containing the legend: THIS BUILDING IS UNFIT FOR HUMAN HABITATION; THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL."

PROPERTY OWNER	LOCATION
Amie Ruth Jones	102 South Fisher Street
Harold A. and Laura W. Anderson	909 East Hargett Street
Hattie W. Perry	617 East Lenoir Street

Section 2. It shall be unlawful for any person to remove said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any said building for human habitation.

Section 3. That a copy of this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. This Ordinance shall become effective February 19, 1985.

Adopted: February 19, 1985

Effective: February 19, 1985

***UNSAFE DWELLING - 6325 GLENWOOD AVENUE - HEARING - ORDINANCE ADOPTED

This was a hearing to consider adoption of an ordinance declaring the building at 6325 Glenwood Avenue an emergency unsafe building and directing that it be demolished. The property is in the name of W. A. Yancey. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Ms. Cates moved adoption of an ordinance declaring the dwelling an emergency unsafe building. Her motion was seconded by Ms. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. 1985-497

AN ORDINANCE FINDING THAT THE BUILDING ON PROPERTY AT 6325 GLENWOOD AVENUE IN THE CITY OF RALEIGH IS UNSAFE AND DIRECTING THAT IT BE DEMOLISHED (EMERGENCY UNSAFE BUILDING)

WHEREAS, the City Council of the City of Raleigh finds that the building on property described herein is unsafe under the provisions of Part 10, Chapter 6, Article D of the Code of the City of Raleigh, North Carolina, and entitled, "Unsafe Buildings," that all of the provisions of said article have been complied with as a condition of the adoption of this ordinance, and

WHEREAS, the Building on said premises should be demolished as directed by the Director of Inspections or his designee for the reason that the same is an unsafe building as described in Part 10, Chapter 6, Article D of the Code of the City of Raleigh.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Department of Inspections of the City of Raleigh be and is hereby authorized and directed to demolish the building in the City of Raleigh at the following location:

PROPERTY OWNER	LOCATION
W. A. Yancey	6325 Glenwood Avenue

Section 2. That the cost of demolition of the building shall become a lien upon the land upon which the building was located as provided in Part 12, Chapter 6 of the Code of the City of Raleigh, North Carolina.

Section 3. That this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. That this ordinance shall become effective February 19, 1985.

Adopted: February 19, 1985

Effective: February 19, 1985

***PU 1985-1 - LAKE RALEIGH ROAD AREA - HEARING - ROAD SOLUTION ADOPTED

This was a hearing to consider the installation of a sanitary sewer main beginning at the intersection of Lake Raleigh Road and Avent Ferry Road south to existing Walnut Creek Outfall with assessment on a front footage basis to apply. Public Utilities Director Simmons explained the project. The Mayor opened the hearing to the public. A resident of 900 Lake Raleigh Road questioned why this would have to go over State property pointing out if it went down Avent Ferry Road it would save some footage. Public Utilities Director Simmons explained the depth of the sewer is the reason it goes the way it is proposed. No one else asked to be heard, thus the hearing was closed. Ms. Cates moved adoption of a resolution directing PU 1985-1 as advertised. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 716.

***PU 1985-2 - LAKE RALEIGH ROAD AREA - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the installation of approximately 1,200 feet of an 8-inch water main beginning at the intersection of Lake Raleigh Road/Avent Ferry Road south to serve Parcel No. 16 with assessment on the front footage basis to apply. Public Utilities Director Simmons explained the proposal. The Mayor opened the

hearing. No one asked to be heard, thus the hearing was closed. Mr. Congleton moved adoption of a resolution directing PU 1985-2 as advertised. This motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 716.

***PU 1985-3 - FALLS OF NEUSE ROAD - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the installation of approximately 495 feet of an 8-inch sewer main in Falls of Neuse Road sewer extension to the 8500 block of existing sewer located at Bentwood Place with assessment on a per lot basis to apply. Public Utilities Director Simmons explained the proposal. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Ms. Cates moved adoption of a resolution directing PU 1985-3 as advertised. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-716

A RESOLUTION TO DIRECT THAT THE WATER AND SEWER SYSTEMS OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFOR

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU 1985-1 - Installation of approximately 2,600 feet of 8-inch sanitary sewer main beginning at the intersection of Lake Raleigh Road and Avent Ferry Road south to existing Walnut Creek Outfall with assessment to be on the front footage basis.

PU 1985-2 - Installation of approximately 1,200 feet of 8-inch water main beginning at the intersection of Lake Raleigh Road and Avent Ferry Road south to serve Parcel 16, Tax Map 550 with assessment on front footage basis to apply.

PU 1985-3 - Installation of approximately 459 feet of 8-inch sewer PVC sewer main in Falls of Neuse Road sewer extension to the 8500 block from existing sewer located at Bentwood Place off of Rainwood Lane with assessment on per lot basis to apply.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: See Above.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 2/19/85

***SEWER ASSESSMENT ROLL 1018 - CONFIRMATION OF COST HEARING - RESOLUTION ADOPTED

A hearing to consider confirming the cost for installation of a sewer main beginning at the dead end of the existing main in Sanderford Road Park according to charges outlined in Sewer Assessment Roll 1018, adopted by Resolution 1985-699 on January 15, 1985. Chief Engineer Thomas explained the work that had been completed. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mr. Walters moved adoption of a resolution confirming charges as outlined. His motion was seconded by Ms. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-717

A RESOLUTION CONFIRMING SPECIAL SEWER ASSESSMENT ROLL 1018

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 19th day of February, 1985, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution No. 1985-699 adopted on the 15th day of January, 1985, which assessments appear on "The City of Raleigh Special Sewer Assessment Roll 1018," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: 2/19/85

***ANNEXATION - OLDE BROOKHAVEN - ORDINANCE ANNEXING AREA EFFECTIVE JUNE 30, 1985 ADOPTED; RESOLUTION ADOPTED

This was a hearing to consider the annexation, by petition, of an area known as Olde Brookhaven. Planning Director Chapman explained the proposal. He indicated this is in the northwest portion of the City and the petition covers approximately 13 acres zoned and proposed to be developed for single-family residential. City Manager Benton indicated the advertisement for his hearing included an area larger than the area being proposed for annexation. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Ms. Cates moved adoption of an ordinance annexing the area effective June 30, 1985, and adoption of a resolution placing the area in Council Electoral District E. Her motion was seconded by Ms. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 498 and Resolution 718.

ORDINANCE NO. (1985) 498

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS OLDE BROOKHAVEN

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on February 19, 1985, at 1:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of June 30, 1985:

OLDE BROOKHAVEN

BEGINNING at a point in the existing (January 1, 1985) Raleigh City Limits, said point also shown as the southeast corner of Lot 2 on a map recorded in Book of Maps 1984, Page 1856; thence leaving said City Limits with the eastern line of Tract 1 as shown on a map of property of Marlowe Developers, Inc., and Troy H. Johnson, drawn by Robert T. Newcomb, III, registered land surveyor, dated September 1984, the following courses and distances: South 21° 46' 43" East 118.37 feet ±, South 43° 56' 11" West 69.23 feet ±, South 09° 32' 52" East 107.00 feet ±, South 79° 48' 20" West 174.91 feet ±, South 39° 11' 09" West 78.10 feet ±, South 86° 27' 42" West 120.37 feet ±, South 01°, 38' 59" West 276.44 feet ±, South 34° 49' 23" West 155.00 feet ± to a point in said existing Raleigh City Limits said point also being in the northern line of Lot 60 of the Brookhaven Subdivision as shown in Book of Map 1971, Page 357, Volume III; thence with said existing City Limits and sections of the Brookhaven Subdivision the following courses and distances: North 65° 12' 06" West 680 feet ±, North 00° 44' 24" East 403.31 feet ± South 60° 34' 21" East 59.28 feet ±, North 44° 00' 09" East 176.11 feet ±, South 88° 47' 14" East 862.79 feet ± to the point and place of Beginning and containing approximately 12.77 acres.

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective June 30, 1985.

Adopted: 2/19/85

Effective: 6/30/85

RESOLUTION NO. (1985) 718

A RESOLUTION TO AUTHORIZE THE INCLUSION OF OLDE BROOKHAVEN IN CITY ELECTORAL DISTRICT E

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1985) 498 adopted February 19, 1985, annex a parcel of land being commonly referred to as Olde Brookhaven; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District E is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Olde Brookhaven as described in Ordinance No. (1985) 498 be added to City Electoral District E.

Adopted: 2/19/85

Effective: 6/30/85

***ANNEXATION - GREYSTONE VILLAGE/DUNBARTON POINTE - HEARING - ORDINANCE ADOPTED ANNEXING AREA EFFECTIVE JUNE 30, 1985

This was a hearing to consider the annexation, by petition, of areas known as Greystone Village and Dunbarton Pointe. Planning Director Chapman explained the areas proposed for annexation giving projected population figures and development. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mr. Congleton moved of an ordinance annexing the area effective June 30, 1985, and adoption of a resolution placing the property in City Council Electoral District A. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 719

A RESOLUTION TO AUTHORIZE THE INCLUSION OF GREYSTONE VILLAGE AND DUNBARTON POINTE IN CITY ELECTORAL DISTRICT A

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1985) 499 adopted February 19, 1985, annex a parcel of land being commonly referred to as Greystone Village and Dunbarton Pointe; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District A is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Greystone Village and Dunbarton Pointe as described in Ordinance No. (1985) 499 be added to City Electoral District A.

Adopted: 2/19/85

Effective: 6/30/85

ORDINANCE NO. (1985) 499

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS GREYSTONE VILLAGE AND DUNBARTON POINTE

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on February 19, 1985, at 1:00 p.m., or as soon thereafter as the matter could be heard, in the Council chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of June 30, 1985:

GREYSTONE VILLAGE

Exhibit A
Parcel I - Legal Description:

Beginning at a point in the eastern right-of-way of Lead Mine Road (S.R. 1820) (existing City Limits January 1, 1985), said point being located 155.04' north along said road from where the eastern right-of-way line of said road intersects the centerline of Sawmill Road; thence leaving Lead Mine Road North 55° 13' 50" West 363.70 feet ± to a point; thence South 34° 46' 10" West 105' to a point; thence North 55° 13' 50" West 80' to a point; thence along a curve, having a radius of 1,120.43' in a counterclockwise direction 96.01 feet to a point; thence North 4° 58' 40" East 577.91'; thence North 26° 31' 20" West 566.96'; thence South 55° 26' 28" West 704.65'; thence North 55° 54' 25" West 202.32'; thence South 32° 30' West 130'; thence South 74° West 125'; thence North 69° 30' West 420'; thence North 88° West 90' to the center of the creek; thence in a northerly direction along the center of the creek 452' ± to a point in the line of the property now or formerly owned by Lawrence B. Shuping; thence with said line South 87° 58' 47" East 497.33' to a concrete monument; thence North 01° 08' 53" East 1,437.41' to a concrete monument; thence South 89° 25' 39" East 1,292.91' to an iron pipe, the southwestern corner of the Samuel A. Harris property; thence with said property South 89° 26' 25" East 763.83' to an iron pipe, being the southwest corner of the Peter P. Williams property; thence a new line along a creek the following courses; South 47° 26' 40" West 44.64'; South 08° 23' 40" West 61.42'; South 50° 53' 15" West 128.26'; South 26° 37' 30" West 146.91'; South 07° 14' East 68.66'; South 52° 11' West 95.08'; South 00° 04' 30" West 112.37'; South 60° 13' 20" West 28.5'; South 26° 30' West 700'; South 44° 32' 30" West 93.63'; thence leaving the creek South 45° 50' East 315.54' to a point; thence along a curve, having a radius of 917.54' in a clockwise direction 771.34' to a point; thence South 02° 20' West 269.45' to a point; thence along a curve having a radius of 876.06' in a clockwise direction 155.9' to a point in the western right-of-way of Lead Mine Road; thence South 82° 26' 42" East 68 feet ± to a point in the eastern right-of-way of said road; thence with the eastern right-of-way of said Lead Mine Road South 36° 24' 36" West 285 feet ± to the Point and Place of Beginning, according to plat entitled, "Annexation Plat Greystone Subdivision," dated May 30, 1980, and revised May 21, 1981, February 8, 1982, JUne 4, 1982, April 26, 1983, July 10, 1983, January 14, 1985, prepared by Bass, Nixon & Kennedy, Inc.

DUNBARTON POINTE

Exhibit A Continued
Parcel II - Legal Description:

Beginning at a point in the eastern right-of-way of The Pointe, said point being located 559.57' South along said right-of-way from the point where the said right-of-way begins t curve into the southern right-of-way of Sawmill Road; thence in a southeasterly direction along a curve having a radius of 25' in a counterclockwise

direction 37.51' to a point; thence North 56° 53' 03" East 432.51' to a point; thence North 63° East 170' to a point; thence South 80° 59' 29" East 7.12' to a point; thence South 04° 19' 24" East 443.73'; thence South 12° 26' 17" East 1,000'; thence North 71° 07' 25" West 1070'; thence North 00° 08' 01" West 347.00'; thence North 78° 30' East 163.44'; thence North 32° 50' East 146.0'; thence along a curve, having a radius of 70' in a counterclockwise direction 254.20' to a point of reverse curve; thence along a curve having a radius of 25' in a clockwise direction 26.62' to a point of compound curve; thence with a curve having a radius of 554.83' in a clockwise direction 143.89' to the Point and Place of Beginning, containing 18.3670 acres according to a map prepared by Bass, Nixon & Kennedy, Inc., entitled, "Annexation Plat Greystone Subdivision," dated May 30, 1980, and revised May 21, 1981, February 8, 1982, June 4, 1982, April 26, 1983, July 10, 1983, and January 14, 1985.

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the Office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective June 30, 1985.

Adopted: 2/19/85

Effective: 6/30/85

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

***PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. He explained that items marked with one asterisk beside the Certified Recommendation number are located within flood-prone areas. Items marked with two asterisks beside the Certified Recommendation number are located within Falls Basin. Ms. Babb asked that she be excused from participation in voting on CR-5432 (S-24-85) as her husband is involved in that project. Council Members requested that the following items be withdrawn from the Planning Commission Consent Agenda: Keller - CR-5432 (S-24-85) and CR-5433 (S-25-85); Walters - CR-5438 (SC-5-85); Cates - CR-5431 (S-22-85), CR-5440 (CP-8-84) and CR-5441 (Z-41-84); Block - CR-5436 (PA-14-85). Without objection, these items were withdrawn from the Consent Agenda. Mr. Walters moved the Planning Commission's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Planning Commission Consent Agenda were as follows:

***SUBDIVISION S-15-85 - COOPERS SQUARE OFFICE CONDOMINIUMS - APPROVED

This was a request for approval to construct a 6,068 square foot office condominium project on 0.51 acre which is currently undeveloped and zoned Business.

This property is located on the southwest corner of Glenwood Avenue and Willard Place, inside the City Limits.

CR-5428 from the Planning Commission recommended that this request be approved according to a map entitled, "Coopers Square Office Condominiums," the property of Cooper Square Associates, drawn by Paton, Zucchino and Associates, dated December 17, 1984. Consent Agenda approval: Walters/Keller - 8 ayes.

***SUBDIVISION S-19-85 - CLIFFCREEK SUBDIVISION - APPROVED WITH CONDITION

This was a request for approval to subdivide 1.12 acres which are currently undeveloped and zoned Residential-4 into four lots.

The property is located at the southern cul-de-sac of Edgedale Drive, south of Longford Lane, outside the City Limits.

CR-5429 from the Planning Commission recommended that this request be approved according to a map entitled, "Cliffcreek Subdivision," the property of T & T Ventures, drawn by LaMarr Bunn and Associates, dated February 1, 1985, with the following conditions: (1) That the trash pickup points are not more than 125 feet from the street; (2) that the cross-access agreements be reviewed and approved by the City Attorney's Office prior to recording the final plats; and (3) that the houses located on Lots 2, 3, and 4 be no further than 250 feet from the last fire hydrant. Consent Agenda approval: Walters/Keller - 8 ayes.

***SUBDIVISION S-20-85 - DURANT ROAD OFFICE AND INDUSTRIAL PARK - APPROVED WITH CONDITION

This was a request for approval to subdivide a 28.85 acre tract, zoned Industrial-I and currently undeveloped, into 27 lots.

The property is located on the south side of Durant Road (SR 2006), between the Seaboard Coastline Railroad and U.S. 1, outside the City Limits.

CR-5430 from the Planning Commission recommended that this request be approved according to a map entitled, "Durant Road Office and Industrial Park," the property of Preslyn Development Corporation, drawn by Diaz Seckinger and Associates, Incorporated, dated January 18, 1985, with the following conditions: (1) That the developer conforms to the Perry Creek Development Policy and that all associated fees be paid as required under the adopted policy; (2) that a stormwater management plan be developed and approved by Staff in conformance with the Perry Creek Stormwater Policy being formulated by the City Council; and (3) that the developer receive approval by the North Carolina Department of Natural Resources and Community Development for the private wastewater treatment plant prior to recording of the final plats. Consent Agenda approval: Walters/ Keller - 8 ayes.

***SUBDIVISION S-24-85 - BROADLANDS IV - APPROVED WITH CONDITION

This was a request for approval to subdivide and construct 45 townhouse units on 8.56 acres which are currently undeveloped and zoned Residential-6.

The property is located on the west side of Broadlands Drive, between Trawick Road and West Jameson Road, outside the City Limits.

CR-5432 from the Planning Commission recommended that this request be approved according to a map entitled, "Broadlands IV," the property of Edd K. Roberts, drawn by Barrett Kays and Associates, PA, dated January 29, 1985, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval: Walters/Keller - 7 ayes (Babb excused during vote on Consent Agenda).

***S-25-85 - ST. AUGUSTINE'S WOMEN'S DORMITORY - APPROVED

This was a request for approval to subdivide a 1.79 acre parcel out of a 99.79 acre tract, zoned Office and Institution-I. The site is developed as an educational institute with the new lot being partially covered by a parking lot.

The property is located on the east side of State Street, north of Oakwood Avenue, on the St. Augustine's College campus, inside the City Limits.

CR-5433 from the Planning Commission recommended that this request be approved according to a map entitled, "St. Augustine's Women's Dormitory," the property of St. Augustine's College, drawn by Envirotek, Incorporated, dated January 31, 1985. Consent Agenda approval: Walters/Keller - 8 ayes.

***PA-11-85 - ST. AUGUSTINE'S DORMITORY - APPROVED WITH CONDITIONS

This was a request for approval to construct a 59,801 square foot dormitory, consisting of 300 rooms, on a 2.05 acre site which is undeveloped and zoned Office and Institution-I.

The property is located on the east side of State Street, just north of Oakwood Avenue, inside the City Limits.

CR-5434 from the Planning Commission recommended that this request be approved according to a map entitled, "St. Augustine's Dormitory," the property of St. Augustine's College, drawn by Envirotek, Inc., dated January 31, 1985, with the following conditions: (1) That a detailed landscaping plan be approved by the Staff prior to issuance of a building permit; and (2) that cross-parking and access agreements be reviewed and approved by the City Attorney's Office prior to issuance of a building permit. Consent Agenda approval: Walters/Keller - 8 ayes.

***PA-13-85 - WILLIAM CARTER PROPERTY - APPROVED WITH CONDITIONS

This was a request for approval to construct three buildings on three lots which are undeveloped and zoned Neighborhood Business (Lot 2 = 0.78 acre, building = 9,000 square feet; Lot 3 = 0.94 acre, building = 15,000 square feet; and Lot 4 = 0.93 acre, building = 15,000 square feet).

The property is located at the southwest corner of Hillsborough Street and Singleton Street, outside the City Limits.

CR-5435 from the Planning Commission recommended that this request be approved according to a map entitled, "William Carter Property," the property of William Carter, drawn by William Carter, dated January, 1985, with the following conditions: (1) That the cross-parking and access agreements are reviewed and approved by the City Attorney's Office prior to issuance of building permits; and (2) that a detailed landscaping plan be approved by the Staff prior to issuance of building permits. Consent Agenda approval: Walters/ Keller - 8 ayes.

***PA-15-85 - PJP PEDIATRICS CENTER - APPROVED WITH CONDITIONS

This was a request for approval to construct a 6,050 square foot office on a 0.94 acre site which is currently undeveloped and zoned Office and Institution-I.

The property is located on the north side of Computer Drive, just east of Six Forks Road, inside the City Limits.

CR-5437 from the Planning Commission recommended that this request be approved according to a map entitled, "PJP Pediatrics Center," the property of Thomas R. Andrus, Jr., M. D., drawn by Jerry Turner and Associates, dated July 19, 1984, with the following conditions: (1) That the cross-access agreement be reviewed and approved by the City Attorney's Office prior to issuance of a building permit; and (2) that a detailed landscaping plan be approved by the Staff prior to issuance of a building permit. Consent Agenda approval: Walters/Keller - 8 ayes.

***SC-8-85 - COLONY SHOPPING CENTER SIGN CRITERIA - APPROVED

This was a request for approval to establish a sign criteria for an existing shopping center on a parcel zoned Shopping Center. A copy of the proposed criteria is attached to CR-5439.

The property is located at the southeast corner of Millbrook Road and Six Forks Road, inside the City Limits.

CR-5439 from the Planning Commission recommended that this request be approved according to a document entitled, "TENANT SIGN DESIGN & CONSTRUCTION CRITERIA FOR: Colony Shopping Center, Raleigh, North Carolina, Project #84146," the property of Colony Shopping Center, prepared by Ellinwood Design Associates, Ltd., dated December 11, 1984. Consent Agenda approval: Walters/Keller - 8 ayes.

END OF THE PLANNING COMMISSION CONSENT AGENDA

***SUBDIVISION S-22-85 - COLD SPRING ESTATES CLUSTER-UNIT DEVELOPMENT - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to subdivide a 56.8 acre tract into 51 single-family lots, zoned Residential-1. The site contains one single-family unit and will be developed as a cluster unit development.

The property is located on the north end of Cold Springs Road and east of Bournemouth Drive, outside the City Limits.

CR-5431 from the Planning Commission recommended that this request be approved according to a map entitled, "Cold Springs Estates Cluster Unit Development," the property of A. Glenn Barwick, drawn by Triangle Engineering, dated February 7, 1985, with the condition that the development conform to the Falls Basin Stormwater Management policies being formulated by the City Council.

Planning Director Chapman explained the requested subdivision. Chairman McNeely explained the Planning Commission's discussion on this item pointing out the subdivision has been in limbo for quite some time waiting for resolution of the Falls Lake policies. Ms. Cates pointed out this particular case has some floodplain and she would like to refer it to the Public Works Committee for a quick review, and so moved. Her motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PA-14-85 - UNIVERSITY PLAZA - APPROVED; TRAFFIC CIRCULATION IN THE AREA - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to construct 96 apartment units on 4.0 acres which are undeveloped and zoned Office and Institution-I. It was also requested that the Planning Commission grant variances to Sections 10-2075(b)(2) (frontage) and 10-2075-(d)(3) (yards).

The property is located at the southeast corner of Ligon Street and the Beltline, inside the City Limits.

CR-5436 from the Planning Commission recommended that this request be approved according to a map entitled, "University Plaza," the property of John Winters, Jr., drawn by LADCO, dated January 1, 1985.

Planning Director Chapman explained the plan. Mr. McNeely pointed out there was very little discussion on this case, mostly clarification of the plan. Ms. Block indicated she looked at this earlier today and she sees nothing wrong with the plan approval as presented pointing out it does comply with the zoning regulations, etc. She stated, however, it adds 96 cars on Ligon Street where the new NCSU soccer fields are located. She stated she has some reservation about the traffic and would like to refer that part to the Public Works Committee to see if anything could be done. Ms. Block moved upholding the Planning Commission's recommendation on the plan approval but requested that the surrounding traffic problems be referred to the Public Works Committee. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor moved the motion adopted.

***SC-5-85 - HECKINGER PLAZA ADDITION - APPROVED; TRAFFIC PROBLEMS - REFERRED TO ADMINISTRATION

This was a request for approval to add a 5,500 square foot outbuilding to the existing strip center for a total square footage of 130,207. The site is 10.6 acres which are zoned Industrial-I and will become a shopping area.

The property is located on the west side of U.S. 1 North and north of Trawick Road, inside the City Limits.

CR-5438 from the Planning Commission recommended that this request be approved according to a map entitled, "Heckinger Plaza Additions," the property of Bob Hughes Associates, drawn by C. Lawrence Vaughn, III, dated January 28, 1985.

Planning Director Chapman explained the plan with Chairman McNeely indicating this was on the Planning Commission's Consent Agenda and was pulled and brief discussion took place but there were no particular concerns voiced by the Planning Commission. Mr. Walters indicated the traffic in this area is a big concern. He indicated the traffic, bus routes, etc., come through this shopping center from the Brentwood area and the City has no easement or no real right to use this pointing out we have City traffic coming through a shopping center. He stated he just wanted to make sure that Administration is working on some sort of plan to handle the traffic in the area. Mayor Upchurch indicated he thought there was a plan to try to tie into the Brentwood area to the Trawick Road intersection. Brief discussion took place after which Mr. Walters moved the Planning Commission's recommendation on the plan be upheld and that Administration be asked to look at the traffic problems and the City traffic through this shopping center parking lot. His motion was seconded by Ms. Cates. Mr. Chapman emphasized that this is the first area we have zoned Industrial which will become designated as a shopping area. This was discussed briefly and the motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***CP-8-84 - UNIVERSITY DISTRICT PLAN - APPROVED AS AMENDED

This was a request for approval to amend the Comprehensive Plan to include the updated University District Plan.

CR-5440 from the Planning Commission recommended that CP-8-84 be approved as amended. These amendments include the specific word and map changes as listed: (1) On Map U-10, the item in the legend labeled "Mixed Residential" should read "Mixed Residential Densities" to correspond with the text in Statement C on Page 36; (2) On Page 38, the second sentence should be deleted and replaced by this sentence, "Oberlin Road should then be allowed to connect to Ferndell Lane, but that connection should be limited to one-way access and left-turn only for a portion of Oberlin Road."; and (3) On Page 23, the first sentence should be changed to say, "Mass transit services in the district meet the current demand, but it will be necessary to evaluate the need for future service based on continuing shifts in land use patterns and transit user preferences."

Chairman McNeely indicated this was in a subcommittee and several meetings were held including representatives of the University and the neighborhood groups and mutual problems were discussed. He indicated bits and pieces of the Transportation Plan show up throughout this plan and some of the questions or discussion dealt with the transportation issue.

Ms. Cates indicated the Comprehensive Planning Committee concurred with City Administration to recommend no change in the existing Transportation Plan for the University District. She stated it was further agreed that any changes to the transportation facilities should be undertaken only after the 1985 Transportation Study for Raleigh/Cary/Garner/Wake County is completed. She stated when the 1985 Transportation Plan is adopted by Council, all district plans will reflect the update. Therefore, she would move upholding the Planning Commission's recommendation on CP-8-84 with the deletion of Number 2 in their recommendation. She stated she did not propose to discuss whether or not the Ferndell connectors should be built but only to make no changes in the text and figures in this plan until the transportation update is approved sometime next year. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 720

RESOLUTION TO AMEND THE COMPREHENSIVE PLAN

WHEREAS, the purpose of the Comprehensive Plan is to provide general guidance to City agencies, other public agencies, private individuals and organizations as they prepare detailed plans, programs and ordinances; and

WHEREAS, it is the intent of the City Council to maintain and, as conditions warrant, to amend this plan as the official statement of City Council Policy concerning the future development of the City of Raleigh; and

WHEREAS, the Comprehensive Planning Committee of the City Council has coordinated the actions of the Citizens of the University Planning District, the Comprehensive Planning Advisory Group, the City Planning Commission, the City Administration and various private interest groups to prepare a recommended plan for the University Planning District; and

WHEREAS, the public hearing on proposed Amendment No. CP-8-84 was held before a joint meeting of the City Council and the Planning Commission on November 20, 1984;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the attached amendment, CP-8-84, be approved, revising the University District Plan on page 19 of the Comprehensive Plan adopted by Resolution No. (1979) 949, on June 19, 1979.

Section 2. That the facilities plans contained in the Comprehensive Plan are revised according to the provisions contained in the University District Plan.

Section 3. In accepting this plan, the Council directs the administration to:

a. Utilize the policy boundary lines established in the Plan, especially for the evaluation of zoning changes.

b. Use the Plan to determine the need for capital improvements within the District.

c. Follow the statements regarding infill and redevelopment suggestions.

d. Review the recommendations and policies in the total land use plan and its sub-area plans when considering land use decisions.

Adopted: 2/19/85

Effective: 2/19/85

***REZONING A-41-84 - KYLE DRIVE - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a request for approval to rezone approximately 13.85 acres from Residential-6 to Residential-10.

CR-5441 from the Planning Commission recommended that Z-41-84 be approved as requested.

Planning Director Chapman explained the rezoning request. Mr. McNeely indicated this case is at least a year old and had been lying dormant as it was caught up in the Perry Creek discussion. He stated the availability of sewer was a point of discussion and that has been worked out as the Public Utilities Director says that sewer will be available to this area. Ms. Cates pointed out she had some problems with the floodplain in this area and she did not see any comments on that. She stated that she recognized that this case has been held up a long time but she would like to hear some discussion on the floodplain property. Planning Director Chapman indicated an earlier subdivision has been presented pointing out it has really nothing to do with this case but it does illustrate the floodplain in the area. He stated there is a little more than two acres that runs through the middle that is designated floodplain and any further development of that site would have to recognize the floodplain area. Ms. Cates stated she is concerned about the flood-prone area, therefore, she would move that rezoning Z-41-84 be referred to Public Works Committee. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-24-85 - CAROLINA PINES AVENUE - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately 8.7 acres from Residential-4 to Office and Institution-II.

CR-5443 from the Planning Commission recommended that Z-24-85 be approved as requested.

Planning Director Chapman explained the rezoning request with Chairman McNeely indicating this was deferred once in the Committee as there was a question relating to whether the area residents were aware of the uses allowed in O&I. He indicated the area residents supported the rezoning wholeheartedly. Brief discussion took place with Ms. Block pointing out she was at the CAC and they did not understand the uses allowed in O&I-II but would accept O&I-I. Mr. Keller moved that rezoning Z-24-85 be referred to Law and Finance Committee. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-25-85 - AVENT FERRY ROAD/LAKE DAM ROAD - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately seven acres from Conservation/Buffer to Residential-6.

CR-5444 from the Planning Commission recommended that Z-25-85 be approved as requested.

Planning Director Chapman explained the request pointing out the redelineation is based on actual field conditions. Mr. McNeely indicated the map at the public hearing was off somewhat and a detailed map was furnished to the Planning Commission that included information on the alluvial soils, etc. He indicated this is a normal process that has occurred before in redelineation of Conservation/Buffer or flood-prone areas. Mr. McNeely indicated he understood that there is a proposed text change coming up that will make this an administrative approval when redelineated floodplain maps are presented.

Mr. Keller indicated he had been out and look at this land and it is very steep land and erodible land. He stated it is very easy to stand on this property and toss a rock, underhanded, into the lake. He stated he feels that this will just increase

run-off, therefore, he would move that rezoning Z-25-85 be denied. His motion was seconded by Ms. Block.

Mr. Walters indicated he would support a relook at this but explained discussions that took place at the time the large Lake Johnson downzoning occurred. He indicated, in his opinion, the intent was that if anyone could come in with proper engineering studies to substantiate the actual flood-prone areas, then that property could be rezoned from Conservation/Buffer. Ms. Cates made a substitute motion that rezoning Z-25-85 be referred to Law and Finance Committee. Her substitute motion was seconded by Mr. Congleton. Ms. Block explained her interpretation of the Lake Johnson rezoning pointing out when the zoning was put on the land and the Conservation/Buffer was put there that previously the land was zoned Residential-4. She indicated the Conservation/Buffer was placed on properties after lengthy discussion and she does not feel that Mr. Walters remembers all of the discussions that took place during the Lake Johnson rezoning. Mr. Walters pointed out it was clearly stated during this rezoning that if anyone came in with engineering studies to show that property was not in the flood-prone areas, that rezoning would be granted by the City. Mr. Congleton indicated he seconded the substitute motion as when he read the Planning Commission's minutes, there was discussion about slopes, etc. He stated he was not that familiar with the Lake Johnson rezoning. The substitute motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***Z-13-85 - HODGES STREET - APPROVED AS AMENDED

This was a request for approval to rezone approximately 12 acres from Neighborhood Business to Industrial-I.

CR-5442 from the Planning Commission recommended that Z-13-85 be approved as amended; that is, that Parcel 129, Tax Map 465 which contains approximately seven acres, be rezoned to Industrial-I, as requested, and that Parcels 223 and 224 remain Neighborhood Business (be denied).

Planning Director Chapman explained the rezoning application with Chairman McNeely explaining the Planning Commission's recommendation. He indicated this case got a lot of discussion and was delayed until the petitioners and neighbors could get together and try to agree to something. Mr. Congleton moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Babb. Ms. Block point out, as she recalled the discussion, the neighbors were concerned about the flooding. She stated the reduction of the Industrial-I request is appropriate but pointed out that the area that is left Neighborhood Business that that property could be developed right up to the property line. Ms. Block made a substitute motion that the Planning Commission's recommendation be upheld but that, in addition, that a 30-foot Conservation/Buffer be placed on the south and east side of the property where it joins residential property. She stated this would allow for a 30-foot setback from the property line. Her motion was seconded by Ms. Cates. After brief discussion, the substitute motion, as stated, was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 500 ZC 155.

COMMITTEES, COMMISSIONS, AND BOARDS

***HISTORIC PROPERTIES COMMISSION - NOMINATION MADE

The City Clerk indicated she had received a letter of resignation from William H. Bingham, Jr., from the Historic Properties and Historic Districts Commission. No nominations have been made. The Clerk reported it would be appropriate to fill the position on the Historic Properties Commission first and then take nominations for the Historic Districts Commission as a person must be on the Properties Commission before they are eligible to serve on the District's Commission. Mr. Keller nominated J. C. Knowles.

***TELECOMMUNICATIONS COMMISSION - NO ACTION TAKEN

The Clerk reported the Chairman position of the Telecommunications Commission is vacant. The Council agreed to hold appointment until a report is received from the City Manager.

***APPEARANCE COMMISSION - NOMINATION MADE

The Clerk reported the term of Jerry Traub expires April 21. He is eligible for reappointment and has an excellent attendance record. No nominations have been made. Mr. Walters nominated Mr. Traub.

***HUMAN RESOURCES AND HUMAN RELATIONS ADVISORY COMMITTEE - NOMINATIONS MADE

The Clerk reported the term of Frank Brooks expired February 1 and the term of Grover Bland expired February 6. Both are eligible for reappointment and have good attendance records. Nominations include Dr. Ann McGee and Nancy Parr. Nominations have not been closed. Mr. Congleton indicated he would have to withdraw the name of Dr. Ann McGee as she is moving out of town. Mayor Upchurch nominated Mr. Brooks. Ms. Babb nominated Mr. Bland. No further action was taken.

***FIREMEN'S RELIEF FUND - BOARD OF TRUSTEES - NOMINATION MADE: ADMINISTRATION TO GIVE A REPORT ON DUTIES

The Clerk reported the term of R. E. Keith expired February 3. Tom Kuster has been nominated. Nominations have not been closed. Mr. Congleton nominated C. A. Lloyd. Ms. Babb indicated there seems to be some confusion relative to the makeup of this Board and she would like for Administration to clarify the makeup of the Board, the ex officio membership, etc. Without objection, Administration was asked to provide a report.

***FAIR HOUSING HEARING BOARD - NO ACTION TAKEN

The Clerk reported the terms of Francis Roberts and James Colsom expire March 17. Mr. Colsom indicated he does not wish to be reappointed. Nominations include Mr. Roberts, Sonya Barnes and Dorothy Allen. Nominations have not been closed. Brief discussion took place with it being pointed out Mr. Calloway had made a nomination and since he was not at the meeting, it would be good to hold appointments until the next meeting. After brief discussion, this is agreed to.

***HOUSING AUTHORITY - BOARD OF DIRECTORS - NOMINATION MADE

The Clerk reported the term of William H. DeBrito expires April 4. He is not eligible for reappointment due to length of service. No nominations have been made. Ms. Babb nominated Miriam Dorsey. No further action was taken.

***YOUTH COUNCIL ADVISORY BOARD - NOMINATION MADE

The Clerk reported the term of Lianda Taylor expires April 5. She is eligible for reappointment as far as length of service and has an excellent attendance record. No nominations have been made. Mayor Upchurch nominated Ms. Taylor.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

***BROOKHAVEN PARK - OFFICIALLY NAMED "BROOKHAVEN JUNIOR WOMAN'S CLUB NATURE PARK"; PARKS AND RECREATION ADVISORY BOARD TO CONTINUE WORKING ON POLICY

Mr. Keller reported the Law and Finance Committee recommends that the "Brookhaven Park" be officially named "Brookhaven Junior Woman's Club Nature Park." The Committee further recommends that the Parks and Recreation Advisory Board continue working on a future policy for the naming and sponsoring of parks. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***HUMAN RESOURCES AND HUMAN RELATIONS ADVISORY COMMITTEE - REPORT REMOVED AND REFERRED BACK TO HRHRAC

Chairman Keller reported the Law and Finance Committee recommends that this item be removed from the Agenda with no action taken and the report be referred back to the Human Resources and Human Relations Advisory Committee and ask them to continue their work on this item but coordinate their work with the City Attorney's Office as well as working with the neighborhood groups and trying to come up with a consensus position to report back to Council. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PROJECT SELF-SUFFICIENCY - TASK FORCE - APPOINTED

Mr. Keller indicated Council Members received in their Agenda packet information relative to the Project Self-Sufficiency Task Force. The Committee recommends that the Task Force, as suggested by the Raleigh Housing Authority, be confirmed. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The Task Force is as follows:

I. Business and Industry

Mr. R. Marc Jordan, President (or designee)
Raleigh Chamber of Commerce

Mr. Jim Massengill, District Manager
Carolina Power & Light Company

Mr. Leslie Mesh, Director, Human Resources
Northern Telecom

Mr. Harold Ladd, Director of Industrial Relations
Stackpole Component Company

Mr. David E. Benevides, Communications Program Manager (or designee)
IBM Corporation

Mr. Norman Conti, Director of Industrial Relations
Lufkin - Cooper Group

Mr. J. Henry Brown, Realtor, Chairman of PIC
(Private Industry Council)

Mr. Pharses S. Nye, Vice-President
Wake Technical College

Mr. Don James, Chief Executive Officer
Winn-Dixie Food Stores

II. Government and Education

Mr. Charles T. Trent, Sr., Director
Wake-Johnson Job Training Consortium

Mr. G. Gary Ostroske, Executive Director
United Way of Wake County.

Mrs. Ella Goodson, W.I.N. Supervisor
Durham County Department of Social Services

Mr. Melvin Starnes, Manager, Manpower Programs
State Employment Security Commission

Mr. Edward C. Elliott, Executive Director
Family Services of Wake County, Inc.

Floyd T. Carter, Executive Director
Housing Authority of the City of Raleigh

III. Single-Parent Population

Pending (2)

***ROAD RACES - DEVELOPMENT OF CRITERIA - REFERRED TO ADMINISTRATION

Chairman Keller reported the Law and Finance Committee recommends that, when requests for road races come in, they be forwarded through the administrative process with a recommendation to be put on the City Manager's Consent Agenda. This would alleviate the applicant from having to come to City Council and would save time for all involved. Mr. Keller indicated, in addition, the Intergovernmental Committee has been working on this report and he would like to combine their report and further recommend that Administration develop a policy for the control of these road races which would include development of criteria of an interim between events, where the funds that are generated will go, responsibility of applicant, etc. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

***REZONING z-116-84 - WEST OF U.S. 1 NORTH (CR-5336)- HELD IN COMMITTEE

Ms. Block indicated the Committee did have a recommendation on this item but because of some additional information, she would like to hold it in Committee one more time. Without objection, Z-116-84 was held in Public Works Committee.

***PUBLIC NUISANCE - 612 CAROLINA PINES AVENUE - CHARGES CONFIRMED AT REDUCED RATE; TO BE PAID OVER A PERIOD OF TIME

Ms. Block reported the Public Works Committee recommends that the $245 abatement charge relating to 612 Carolina Pines Avenue be reduced to $110 with the property owners being allowed to make payment in four monthly installments beginning March 1 with no interest to be applied. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative.

RESOLUTION NO. 1985 - 721

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, THE City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 12, Chapter 6 of the Code of the City of Raleigh, relating to the abatement of nuisances; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 12, Chapter 6.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above referred to and makes the same a lien against the premises as provided in Part 12, Chapter 6 of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	ABATEMENT COST
Jacqueline I. Stancil	612 Carolina Pines Ave. Lot 505, Map 605 I.D. No. 0034618	$ 110.00

Section 3. That this resolution shall become effective February 19, 1985.

Section 4. That the property owner be allowed to pay these charges in four monthly installments beginning March 1, 1985, with no interest being added.

Adopted: February 19, 1985

***DEVELOPMENT REGULATIONS - PHASE LINES AND SETBACKS - PUBLIC HEARING AUTHORIZED; ITEM RETAINED IN COMMITTEE

Included in Council Members' Agenda packet was a proposed ordinance concerning the phasing of cluster units, condominiums, and townhouse developments. The Committee recommends that this proposal be advertised for the March zoning hearings.

The Committee is holding this item in Committee in order to address questions that have been presented. Ms. Block moved the recommendation be upheld. Her motion was seconded by Ms. Cates. She indicated there are some questions the Committee would like to address but they felt the need to go ahead and set the public hearing to avoid further delay. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***CP&L/CITY OF RALEIGH AGREEMENT - APPROVED

Ms. Block reported it is recommended that the Council approve and authorize the Mayor to execute an agreement between the City of Raleigh and CP&L whereby CP&L will provide 16,000 lumen high pressure sodium lights as requested by the City Council. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates. Ms. Block pointed out this will not preclude CP&L from doing other things but this is a start. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985 - 729A

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That the Mayor of the City of Raleigh be authorized to execute an agreement, on behalf of the City of Raleigh, between the City of Raleigh and Carolina Power and Light Company whereby Carolina Power and Light will provide 16,000 lumen high pressure sodium light sources as requested by the City of Raleigh.

Section 2. That this resolution be effective upon adoption.

Adopted: 2/19/85

Effective: 2/19/85

***REZONING Z-18-85 - FOX ROAD - APPROVED - ORDINANCE ADOPTED

Ms. Block reported the Public Works Committee recommends approval of the request to rezone approximately 30 acres of property located on Fox Road, north side, between Spring Forest Road and Louisburg Road (U.S. 401), from Residential-4 to Residential-6 (27.9 acres) and Conservation/Buffer (2.2 acres) averaging 160 feet in width, south of Perry Creek, along the north side of the property. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 500 ZC 155

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Hodges Street, east end, land adjacent to Crabtree Creek between Wake Forest Road and the Seaboard Railroad, being Parcels 129, 223, and 224, Tax Map 465, rezoned to Industrial-I and Conservation/Buffer according to map entitled, "Z-13-85, Block Recommendation 2-19-85," on file in the City of Raleigh Planning Department. (Z-13-85)

(b) Fox Road, north side, between Spring Forest and Louisburg (U.S. 401) Roads; south of Berkshire Downs Drive, being Parcel 6, Tax Map 355 rezoned to Residential-6 (27.9 acres) and Conservation/Buffer (2.2 acres) averaging 160 feet in width, south of Perry Creek, along the north side of the property, according to map on file in the City of Raleigh Planning Department. (Z-18-85)

(c) Louisburg Road (U.S. 401 North), west side, between Spring Forest Road and Fox Road, being portions of Parcel 14, Tax Map 355 rezoned to Residential-10, Residential-6, Shopping Center, O&I-I and Conservation/Buffer, according to map entitled, "Z-94-84 - Cline Property, Recommendation of Subcommittee, January 8, 1985," drawn by LaMarr Bunn and Associates, PA, on file in the City of Raleigh Planning Department. (Z-94-84)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extend of such conflict.

Section 3. That this ordinance shall become effective February 19, 1985.

Adopted: 2/19/85

Effective: 2/19/85

***ENCROACHMENT - 2616 LANDIS STREET - APPROVED CONDITIONALLY

Ms. Block reported the Public Works Committee recommends approval of an encroachment agreement to the extent that the City has an interest in the property and further recommends waiving the insurance requirements. Ms. Block indicated we do not think that this is City right-of-way but pointed out if it is City right-of-way, this grants the encroachment to the extent that the City has an interest. She pointed out the applicant will still have to go to the State and request an encroachment. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***REZONING Z-94-84 - LOUISBURG ROAD - REZONED TO R-10, R-6, SC, O&I-I AND C/B - ORDINANCE ADOPTED; ISSUANCE OF SPECIAL PERMITS BY COUNTY - REFERRED TO THE INTERGOVERNMENTAL LIAISON COMMITTEE

Ms. Block reported the Public Work Committee recommends approval of rezoning property included in application Z-94-84 to Residential-10, Residential-6, Shopping Center, O&I-I and Conservation/ Buffer as outlined on the map included in the Council Members Agenda packet and the map available at the meeting. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates. Mr. Walters indicated he would have to object pointing out if the reason for this rezoning is the fact that it is at the intersection of two major streets, he feels that it is premature as it could be twenty or more years away before the road construction occurs. Ms. Block indicated the Committee did have population projections pointing out this would not be a regional shopping center but shopping is needed to serve the projected population for this area. The motion, as stated, was put to a vote which resulted in all members voting in the affirmative except Mr. Walters who voted in the negative. See Ordinance 500 ZC 155.

Ms. Block reported the Public Works Committee further recommends that the question relating to issuance of special use permits on property in Wake County's jurisdiction in this area be referred to the Intergovernmental Liaison Committee. Ms. Block indicated there is a great deal of zoning in the County that might be affected by this and that is the reason for the recommendation. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates. Mr. Walters stated he would not oppose this going to the Intergovernmental Liaison Committee. He pointed out we had a gentlemen at a public hearing recently who represented someone who owns over 100 acres who has planned a shopping center in this area for some time. He stated he did not feel that the City could ask the County to hold permits when the City is not holding permits. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***UNSAFE BUILDING - 313 EAST CABARRUS STREET - ORDINANCE ADOPTED TO BE EFFECTIVE MARCH 20

Ms. Block reported the Public Works Committee recommends adoption of an ordinance declaring the building at 313 East Cabarrus Street unsafe to become effective March 20, 1985. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. 1985 - 501

AN ORDINANCE FINDING THAT THE BUILDING ON PROPERTY AT 313 EAST CABARRUS STREET IN THE CITY OF RALEIGH IS UNSAFE AND DIRECTING THAT IT BE DEMOLISHED

WHEREAS, the City Council of the City of Raleigh finds that the building on property described herein is unsafe under the provisions of Part 10, Chapter 6, Article D of the Code of the City of Raleigh, North Carolina, and entitled, "Unsafe Buildings," that all of the provisions of said article have been complied with as a condition of the adoption of this ordinance, and

WHEREAS, the City Council of the City of Raleigh finds that the building on property described herein is unsafe under the provisions of Part 10, Chapter 6, Article D of the Code of the City of Raleigh, North Carolina, and entitled, "Unsafe Buildings," that all of the provisions of said article have been complied with as a condition of the adoption of this ordinance, and

WHEREAS, THE Building on said premises should be demolished as directed by the Director of Inspections or his designee for the reason that the same is an unsafe building as described in Part 10, Chapter 6, Article D of the Code of the City of Raleigh.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Department of Inspections of the City of Raleigh be and is hereby authorized and directed to demolish the building in the City of Raleigh at the following location:

PROPERTY OWNER	LOCATION
Russell and Dorothy C. Johnson	313 East Cabarrus Street

Section 2. That the cost of demolition of the building shall become a lien upon the land upon which the building was located as provided in Part 12, Chapter 6 of the Code of the City of Raleigh, North Carolina.

Section 3. That this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. That this ordinance shall become effective March 10, 1985.

Adopted: 2/19/85

Effective: 3/20/85

REPORT AND RECOMMENDATION OF THE INTERGOVERNMENTAL LIAISON COMMITTEE

***URBAN TREE PROGRAM - REFERRED TO ADMINISTRATION FOR INCLUSION IN UPCOMING BUDGET; ITEM RETAINED IN COMMITTEE

Included in Council Members' Agenda packet was a memorandum outlining Administration's recommendations relating to the Urban tree Program. The Committee strongly recommends approval of these recommendations including all budget items which can be included in the upcoming budget. This item is being held in Committee for further input from the Urban Tree Task Force. On behalf of the Committee, Mr. Walters moved the recommendation be upheld. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Later in the meeting, Mr. Keller expressed concern relative to the Urban Tree Program. He stated as he understands it, this is just a proposal to start working this into the budget. He stated there are a lot of things in the Urban Tree Program Proposal that he has reservations about. He stated the recommendations relative to a set number of trees per year bothers him pointing out if the Hillsborough Street Tree Project is an example, then he feels we are heading for trouble. He stated that he just hopes that the City Council will have a lot of input into this program. He stated he has problems with the recommendations about hiring a Urban Tree Planter. He stated we need someone that is more than a forestry manager. We need a soils specialist, etc. He indicated the Law and Finance Committee does have an item relating to administration of the Greenway and Parks & Recreation Department Program on its Agenda and he hopes to add the Urban Tree Program to this. He stated he just wants everyone to take a long, hard look at the implementation of an Urban Tree Program and cautioned the Council not to rush into the program too fast. Keller cautioned again he just does not want the City to rush into this and make a lot of mistakes. City Manager Benton indicated no money has been spent and as he understands the Council's direction, they are saying that the Urban Tree Program should be addressed in the upcoming budget and then the Council could make decisions. Ms. Cates indicated she understood that we are planting trees now but do not have enough manpower to go back and water the trees. The comments were received.

***GREAT RALEIGH ROAD RACE - UTILIZATION OF CITY STREETS - DENIED

Mr. Walters reported the Intergovernmental Liaison Committee recommends denial of the request for the Great Raleigh Road Road. On behalf of the Committee, he moved the

recommendation be upheld. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SATELLITE ANNEXATIONS - EAGLE CHASE AND WESTLAKE VILLAGES - CLERK TO CHECK SUFFICIENCY AND SET PUBLIC HEARING; ITEM RETAINED IN COMMITTEE

Mr. Walters indicated the Committee recommends that the Clerk be directed to check the sufficiency of the petitions for satellite annexation of property known as Eagle Chase and Westlake Villages and, if sufficient, that a public hearing be set for April 2, 1985. He indicated the Committee requests that the items be held in Committee to receive further information from the Planning Department. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

***SANITARY SEWER EASEMENT - LAKE BENSON - TO BE ABANDONED UNDER CONDITION

Mr. Walters reported the Real Estate Committee recommends that the obsolete section of City water main easement over the property of David D. McAleer from Lake Benson be abandoned under the condition that the landowners safely fill in the existing main on their property to prevent contamination and agree to indemnify the City against any and all liability in the future regarding any accident or damage related to this line arising out of the negligent maintenance thereof. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***COMMUNITY DEVELOPMENT - VARIOUS ACTIONS - APPROVED

Mr. Walters indicated the Real Estate Committee recommends that the administrative recommendations as follows be approved: (a) the fair market value of 825 E. Martin Street at $6,100; (b) a resolution of condemnation be adopted to establish the values at 526 and 522 East Martin Street; (c) that the offer to purchase value of $4,000 on 427 Alston Street be approved.

On behalf of the Committee, Mr. Walters moved the recommendations be upheld. His motion was seconded by Mr. Congleton and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***CITY MARKET PROJECT - RELOCATION POLICY - APPROVED

Mr. Walters reported that the Real Estate Committee recommends that the relocation policy as recommended by Administration for use only in the City Market Project be approved. He indicated a copy was included in the City Council Agenda packets. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SURPLUS PROPERTY - TRACTS K-1 AND K-2 - TO BE OFFERED FOR SALE THROUGH UPSET BID METHOD

Mr. Walters indicated Tracts K-1 and K-2 in the Southside Urban Renewal Area has been for sale for a number of years. He indicated this includes approximately 6.1 acres of property. It was explained that Carolina Power & Light Company wants to build their Corporate Data Center at this location and has proposed to construct a building of some 40,000 square feet at a cost of $4½ million dollars. He indicated a subsequent phase would extend the Center to 80,000 square feet. City Manager Benton presented a rendering of the proposal. He indicated the Real Estate Committee recommends that this property be sold through the negotiated offer upset bid method with several conditions to apply: (1) that construction would begin within twelve months after closing date; (2) the building would be occupied by December 1, 1986; and (3) the City would have final site plan approval. On behalf of the Committee, Mr. Walters moved this recommendation be upheld. His motion was seconded by Mr. Keller. Mayor Upchurch indicated he feels this is a fine proposal but he would ask the Real Estate Committee to move very cautiously pointing out this is one of the major entrances to the City. Ms. Block indicated the Downtown revitalization is making this very valuable land. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

***PUBLIC UTILITIES - EQUIPMENT ADDITION - APPROVED - FUNDS APPROPRIATED

The City currently has more than 800 acres of farm crops associated with the sludge disposal program of the Neuse River Wastewater Treatment Plant. At present, the City has to contract for the harvesting of grain. This requires time, places our farm efforts at the mercy of the private operator, and reduces our harvesting results because of waste.

To provide better coordination of harvesting needs and the use of the land for sludge application as well as to save money on contract costs, it is proposed that the City purchase a combine. This unit would cost approximately $80,000. This would also allow more intensive planting arrangements which facilitate nitrogen uptake but are

different from the average farm operation. This item is being proposed at this time due to the need to be ready for summer harvest.

Recommendation: That the Council approve the following transfer of funds to purchase additional equipment:

From:		
06-2-7050-0225	Repairs to Bldgs. - P.U.	$15,000
06-2-7050-0227	Repairs to Other Equip.- P.U.	44,500
06-2-7050-0258	Chemicals & Drugs - P.U.	29,500
		$89,000
To:		
06-2-7050-0799	Farm Equipment	$89,000

Lengthy discussion took place with Mr. Congleton questioning the amount of time that this piece of equipment would be utilized. Ms. Block pointed out when you are doing contract farming that many times the person who owns the equipment uses the equipment to do their harvesting first and will get to other people's work when they can. Ms. Block questioned if $89,000 is enough to purchase this equipment pointing out the last combine she purchased ran approximately $120,000. Ms. Cates indicated maybe the Council should get a detailed cost analysis on our farming operation with various Council Members indicating one had been received recently. Mr. Congleton questioned if there is a possibility of leasing this equipment pointing out if it is going to be used only six or eight weeks out of the year, he would question if we are getting proper utilization pointing out a piece of machinery such as this setting idle could create maintenance problems. Ms. Cates questioned the possibility of utilizing N, C. State University equipment. Ms. Block pointed out Council Members should realize that even if this operation is only at a break even, it is good because we are getting rid of our sludge. After lengthy discussion on the farming methods, the amount under cultivation, etc., Mr. Keller moved Administration's recommendation be upheld. His motion was seconded by Mr. Walters. Administration was asked to look into the possibility of leasing the equipment rather than purchasing it. The motion, as stated, was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 494 TF 16.

***ARTSPLOSURE 1985 - VARIOUS REQUESTS - APPROVED

City Manager Benton indicated the Artsplosure event is scheduled for April 19 through May 5, 1985. As in the past, the Council has been requested to allow certain activities and events. The following report was in the Council Members' Agenda packet which identifies the request and Administration's recommendation. He explained the main new item relates to the use of Memorial Auditorium pointing out the City does not usually waive fees but since the City is a co-sponsor, he feels it would be appropriate. In response to questioning, Jane Teague pointed out she understands the use of the Civic Center would only be in case of rain and it just involves the west side. She stated she understood that there is a big event in the Civic Center the night before, therefore, the City would not be holding it out and losing revenue. The list was as follows:

Street Closings

It has been requested that Hargett and Davie Streets be closed between Salisbury and Wilmington Streets on Friday, May 3, Saturday, May 4, and Sunday, May 5, for Arts-Plosure activities in those streets and that the street closing fee be waived.

This request is similar to frequent street closing requests before the City Council.

Recommendation: It is recommended that this request be approved provided that ArtsPlosure, Inc., assume responsibility for coordinating the barricading of the streets and provided that the plans for the layout and use of the streets be approved by the City Manager prior to the event. (12-1051)

Morgan Street Closing

It has been requested that Morgan Street, between Salisbury and Wilmington Streets, be closed on Saturday, May 4, from 9:00 a.m. to 6:00 p.m., and Sunday, May 5, from 12:00 noon to 6:00 p.m.

This permission was granted for Sunday only by the City Council last year.

Recommendation: It is recommended that the request for the closing and use of Morgan Street be approved for Sunday, May 5, only subject to ArtsPlosure, Inc., notifying the City Manager of the need for such closing at least one week prior to the event and subject to the conditions for Hargett and Davie Streets in the item above. (12-1051)

Parking Requirement Waiver

The waiver of parking restrictions between the crosswalks where Morgan, Hargett, Martin (north side only) and Davie Streets cross the Mall during ArtsPlosure, April 19 - May 5, 1985, has been requested to facilitate ArtsPlosure participants loading and unloading of materials and equipment utilized in their display upon the Mall.

This permission has been granted by the City Council on previous occasions.

Recommendation: It is recommended that this request be approved provided that for enforcement purposes, the zones involved shall be treated as loading zones to facilitate maximum use of the area and to ensure that the Mall fire lanes can be accessed if needed. (11-2172)

Sale of Food on the Closed Streets

Permission has been requested to conduct the sale of original art works and handicrafts, to be sold by the artist, on the Fayetteville Street Mall during ArtsPlosure, April 19 - May 5, 1985.

If approved as a special event by the City Council, the sale of food is permitted on the streets of the City, provided that the vendor must comply with applicable Health Department regulations and obtain appropriate privilege licenses. The City Code requires that the vendor move from block to block each hour except with City Council approval.

Recommendation: It is recommended that this request be approved if ArtsPlosure 1985 is approved as a special event and if the streets will be closed for ArtsPlosure. It is further recommended that the requirement that the food vendors move from block to block each hour be waived if the streets will be closed for ArtsPlosure. (12-1024)

Sale of Art on the Mall

Permission has been requested to conduct the sale of original art works and handicrafts, to be sold by the artist, on the Fayetteville Street Mall during ArtsPlosure, April 19 - May 5, 1985.

The City Code requires City Council approval, as has been granted by City Council several times previously.

Recommendation: Approval is recommended. (9-7004)

Waiver of Mall Special Event Permit Fee

ArtsPlosure has requested the waiver of the application fee for the Mall Special Event Permit required for ArtsPlosure April 19 - May 5, 1985. Based upon the use of the entire Mall and the use period which spans twelve days, the application fee would be $240.

City Council has previously waived the Mall Special Event Permit fee several times for similar events using the entire Mall.

Recommendation: It is recommended that this request be approved. (9-7004)

Rent-free Use of the Memorial Auditorium

ArtsPlosure has submitted a request for the rent-free use of the Memorial Auditorium on the evening of April 19, 1985, for a performance of the North Carolina Symphony and the National Opera Company. The rent would be $850. ArtsPlosure, Inc., has indicated that there will be no charge for admission to this activity.

Recommendation: It is recommended that this request be approved. (9-6002)

Rent-free Use of the Raleigh Civic Center

ArtsPlosure has submitted a request for the rent-free use of the Raleigh Civic Center on the evening of May 5, 1985, for a performance of a musical artist (who has not been identified). The Civic Center would be used as an alternative site in the event of inclement weather. Otherwise, this activity would be staged out-of-doors. If the Civic Center would be used, the rent would be $875. ArtsPlosure, Inc., has indicated that there will be no charge for admission to this activity.

Recommendation: It is recommended that this request be approved. (9-6002)

Permit to reserve Parking Space

Permission has been requested to allow ArtsPlosure to encumber one parking space on the north side of Martin Street immediately west of the Fayetteville Street Mall during ArtsPlosure, April 19 - May 5, 1985, for the parking of the ArtsPlosure sound truck.

The City Code provides for granting by City Council of such requests.

Recommendation: Approval of this request is recommended provided that ArtsPlosure, Inc., obtain a Permit for Encumbrance of Parking Spaces from the Inspections Department. (11-2208)

Ms. Babb moved the recommendations, as outlined, be upheld. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***NATIONAL MAIN STREET APPLICATION - SUBMITTAL APPROVED - FUNDS COMMITTED

The Council has previously approved the submittal of an Intent to File letter. It is necessary that the application be filed prior to March 1, 1985. The Downtown Development Corporation has endorsed the submittal of the application. The City's obligation would be to provide in-kind (existing staff) support plus up to $30,000 each year for three years.

Recommendation: That the Council approve submittal of the Main Street Grant application and agree to appropriate $30,000 from Council Contingency in the FY-85 budget if the City is selected to participate in this program with the understanding that such funds would be used only if private funds could not be raised to provide this support.

City Manager Benton indicated recently Administration did provide the Council with some information on the cost benefit of this program. He indicated we are not appropriating money at this point. He just wanted the Council aware that there was a need to commit to appropriate approximately $30,000 as outlined in the Agenda. Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Ms. Babb and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***CITY ART GALLERY - PROPOSAL - APPROVED; BOND INDUCEMENT RESOLUTION - ADOPTED

City Manager Benton made the following report relative to the City Art Gallery:

The Downtown Committee has reviewed the proposal by City Art Gallery to lease space in the Montague Building and are recommending:

a. That the Council commit to maintaining the level of funding of $50,000 to this program for five years with the understanding it would be associated with the total renovation of the Montague Building;

b. That Administration start the steps for adoption of the inducement resolution relating to redevelopment bonds for this project.

In addition, the Downtown Committee asked the City Manager to refine the terms under which this arrangement would be pursued. Based on discussions with the proposed owner and developer, Adaron, the following proposal has been developed and is recommended to Council for approval:

a. The City would agree to guarantee the Art Gallery's lease at the rate of $47,694 per year for five years subject to the condition that the base rent for the Art Gallery be fixed at $6.00 per square foot for the five-year term and that pass-through expenses such as taxes, insurance and utilities may escalate each year based on actual cost increases.

b. The City would agree to build an elevated walkway around the proposed parking deck from the rear of the "Craig's" Building, eastward to a point on the east side of the bus lanes. This would cost approximately $52,000, and the City would be repaid by the developer by a five-year, direct reduction of the loan of twenty percent per year and no interest.

c. The City would agree to defer purchase of the twenty-space parking lot adjacent to the Montague Building for at least six years from the date of the bond inducement provided the developer makes reasonable improvements to the parking lot and the City has right of design review and approval to assure compatibility with the Transit Transfer facility.

d. The City would allow for a Reasonable access easement for a pedestrian walk from the Montague Building to the stairs of the elevated walkway subject to the plans for the walkway complementing the City's plans.

e. The developer agrees to have a firm financing commitment to renovate the building and to have signed tenants for seventy-five percent of the building by March 22, 1985.

f. The developer agrees to give City Art Gallery an option to purchase an interest in the building. The lease to City Art Gallery and the attendant option would be assignable to the City of Raleigh, and the City will be allowed to sublet the space. The developer would have control over the sublet, but such would not be unreasonable. The option terms would be as specified in a letter from Adaron dated January 31, 1985, and defined as Method 1.

g. The City would agree to facilitate the use of redevelopment bond financing for this project and would adopt an inducement resolution in the amount of $2,000,000 for the rehabilitation of the Montague Building.

Mr. Walters indicated he would commend staff for the work done on this project and for the approach recommended and would move approval. His motion was seconded by Ms. Babb. Ms. Block indicated she does not understand all of this but would vote for this through faith. City Manager Benton briefly explained the financial commitments involved which includes a commitment to funding at a level of around $80,000, five-year guarantee on the rent, and $52,000 elevated walkway which will be repaid over a period of time. Ms. Cates indicated she continues to be concerned about the Arts

Program and she just wished we had the arts study back. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative.

City Manager Benton indicated on a separate but related item, the owners of the property on Blount Street and adjacent to the transit transfer facility desire to proceed with the redevelopment of their property. They also would like the City's support in terms of redevelopment bond financing. Council Members received a map indicating the respective properties involved. He indicated it is expected that a proposal would be submitted to the Council on this project in the near future. He stated this was for information only.

RESOLUTION NO. (1985) 722

RESOLUTION EXPRESSING THE INTENT OF THE CITY OF RALEIGH TO ISSUE ITS URBAN REDEVELOPMENT NOTES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $2,000,000, THE PROCEEDS OF WHICH WILL BE LOANED TO MONTAGUE ASSOCIATES TO FINANCE THE REPAIR, REHABILITATION OR RECONDITIONING OF A CERTAIN REDEVELOPMENT PROJECT PURSUANT TO THE NORTH CAROLINA URBAN REDEVELOPMENT LAW

WHEREAS, the North Carolina General Assembly has enacted Article 22, Chapter 160A of the North Carolina General Statutes, as amended, commonly referred to as the North Carolina Urban Redevelopment Law (hereinafter called the "Act"); and

WHEREAS, in order to protect and promote the health, safety and welfare of the people of North Carolina, the Act provides for the creation of redevelopment commissions for the following public purposes: to acquire, replan, hold and dispose of blighted areas in order to promote economically and socially sound redevelopment, and to undertake nonresidential redevelopment in accord with sound and approved plans and to undertake the rehabilitation, conservation, and reconditioning of areas where, in the absence of such action, there is a clear and present danger that the area will become blighted; and

WHEREAS, the Act authorizes redevelopment commissions to carry out plans for a program of voluntary or compulsory repair, rehabilitation or reconditioning of buildings or other improvements located in a redevelopment area, including the making of loans therefor; and

WHEREAS, the Act also authorizes redevelopment commissions to issue its bonds, notes or other obligations from time to time for any of its corporate purposes; and

WHEREAS, the City Council of the City of Raleigh (the "City Council"), pursuant to Section 160A-505(a) of the Act, has designated itself to perform the powers, duties and responsibilities of a redevelopment commission under the Act; and

WHEREAS, pursuant to Section 513 of the Act, the Planning Commission of the City of Raleigh has certified certain areas of the City of Raleigh as "redevelopment areas" (as defined in the Act), including, without limitation, the area designated as the Downtown East Side Redevelopment Area (the "Redevelopment Area") and the City Council has duly adopted a redevelopment plan for the Redevelopment Area; and

WHEREAS, Montague Associates, a North Carolina limited partnership or one of its affiliates (the "Developer"), desires to repair, rehabilitate and recondition the existing building known as the Montague Building and located within the Redevelopment Area at the southwest corner of Blount Street and East Hargett Street (the "Building") for use as office space and for commercial business purposes (the "Project"), all in accordance with and subject to the redevelopment plan of the City and the Act, provided that the City indicates its intent to assist in the financing of the repair, rehabilitation or reconditioning of the Project by the issuance of its notes in the aggregate principal amount not to exceed $2,000,000 pursuant to the Act.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE MEMBERS OF THE CITY COUNCIL, a lawful quorum having been duly assembled, as follows:

SECTION 1. The City Council, acting in its capacity as a redevelopment commission, hereby expresses its intent, subject to the terms and conditions hereinafter set forth, to issue pursuant to the Act its urban redevelopment notes in an aggregate principal amount not to exceed $2,000,000 (the "Notes"), the proceeds of which will be loaned to the Developer to finance the repair, rehabilitation or reconditioning of the Building in accordance with and subject to the Redevelopment Plan.

SECTION 2. The principal of, premium, if any, and interest on the Notes shall be payable exclusively from the income, proceeds and revenues of the Project and any other sources acceptable to the City, and the Notes shall not constitute an indebtedness of the City within the meaning of any applicable constitutional or statutory debt limitation or restriction.

SECTION 3. The issuance by the City of the Notes is expressly conditioned upon the City's acceptance of the redevelopment proposal of the Developer, the execution of a satisfactory redevelopment contract for the Project between the City and the Developer and the compliance by the Developer with all of the applicable provisions of the Act with respect to the redevelopment of the Building.

SECTION 4. The Mayor and other appropriate officials of the City are hereby authorized to prepare and file an application with the North Carolina Department of Commerce requesting an allocation for the Notes under the North Carolina ceiling for private activity bonds established under the 1984 Federal Deficit Reduction Act (the "Allocation").

With respect to the Allocation, the City Council hereby agrees as follows:

(i) The City will use the Allocation only for the Notes and only for the Project described above;

(ii) The City will use the Allocation within the time limits specified in the document granting the application for the Allocation or within any extension of those limits subsequently granted by the North Carolina Department of Commerce;

(iii) The City will allow, without contest, any unused portion of the Allocation to revert back to the State of North Carolina for use by other applicants;

(iv) The City will report to the North Carolina Department of Commerce the exact principal amount of the Notes within ten (10) days of the date of issuance.

SECTION 5. The City Council intends that the adoption of this Resolution shall constitute "official action" (as that term is used in Section 103(b) of the Internal Revenue Code of 1954, as amended, and the regulations promulgated thereunder) of the City of Raleigh with respect to the Project.

SECTION 6. The Secretary, Clerk or other appropriate officer of the City is hereby authorized and directed to provide a certified copy of this resolution to the North Carolina Department of Commerce.

SECTION 7. Any prior resolutions or orders or any portions thereof in conflict herewith are, to the extent of such conflict, hereby repealed, and this Resolution shall take effect immediately upon its passage.

Adopted: 2/19/85

***BIDS - APOLLO HEIGHTS (RALPH CAMPBELL CENTER) - JOINT AWARD MADE TO BUILDTEC, INC., TRIANGLE MECHANICAL CONTRACTOR, INC., RURAL PLUMBING AND HEARING, INC., AND MODERN ELECTRIC COMPANY, INC. - FUNDS APPROPRIATED

City Manager Benton indicated bids were received and opened in the office of the architect, Boisseau Design Group, on February 18, 1985, for construction of the Ralph Campbell (Apollo Heights) Center. Administration recommends that the following low bids be awarded:

General Construction - Buildtec, Inc. - $159,900.00
Plumbing - Triangle Mechanical Contractor, Inc. - $13,528.00
Mechanical - Rural Plumbing and Hearing, Inc. - $17,300.00
Electrical - Modern Electric Company, Inc. - $12,922.00

Total bid tabulation available in the Clerk's Office and will become a part of the permanent minutes. See Page 259A

City Manager Benton presented funding considerations that are recommended for approval along with the low bids. Mr. Walters moved the low bids, as recommended, be awarded as well as the related transfers. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 494 TF 16.

ORDINANCE NO. (1985) 503

AN ORDINANCE TO AMEND THE 1984/1985 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1984/1985 Budget be amended as follows to reflect acceptance of funds from the Raleigh Housing Authority for Apollo Heights Community Center construction:

Revenue:	38-1-0050-0100	Raleigh Housing Authority	$132,561.00
Expense:	38-2-3200-0101	Apollo Heights	$132,561.00

Adopted: 2/19/85

***WATER LINE EXTENSION - DURALEIGH ROAD - RESOLUTION OF INTENT ADOPTED

In April, 1984, the Council approved the concept of allowing private parties to pay to the City the cost of extending a utility line and the City would then build the line under the normal assessment policies. Durham Life Corporation is developing property on Duraleigh Road and desires to use this arrangement to extend a 16-inch

water line. A copy of the proposed agreement was included in the Agenda packet. Under this arrangement, the City would repay the firm an amount equal to the assessments received from adjoining property.

City Manager Benton indicated at this point what he is recommending is that the City concur with this concept and adopt a resolution of intent to do the water line on Duraleigh Road which would set a public hearing for March 19, 1985. Ms. Block questioned the time limit on payback with Public Utilities Director Simmons indicating there would be no time limit on the payback but assessment payback is ten years. Ms. Block moved the recommendation be upheld which was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 723

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE WATER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the water system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct water mains located and described as follows:

PU 1985-7 - Installation of approximately 4,100 linear feet of 16-inch ductile iron water main along Duraleigh Road from existing water main at intersection of Ebenezer Church Road to Richards Development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Front footage of property abutting the extension.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 19th day of March, 1985, at 1:00 p.m., in the Council Chamber, Room 201, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: February 19, 1985

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

***WELLINGTON DRIVE - MAYOR AUTHORIZED TO SIGN AGREEMENT

City Attorney McCormick requested that the City Council authorize the Mayor to sign an agreement with Wachovia Bank and Trust to guarantee the construction of Wellington Drive. He briefly explained the project pointing out this is a little different from a letter of credit or bond and that is why authorization is being requested. Mr. Congleton moved the Attorney's recommendation be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT OF MAYOR AND COUNCIL MEMBERS

***MAYOR - REPORT ON TRIP TO FRANCE - RECEIVED

Mayor Upchurch indicated he will be bringing a full report on his recent trip to France. He briefly explained an international trade and industrial-type organization that is being set up pointing out it would cost the City of Raleigh $1,000 per year if the City decides to participate. He briefly explained the proposed makeup of this organization and how it relates to the City of Raleigh. The item was received as information.

***ENABLING LEGISLATION - TREES ON PUBLIC AND PRIVATE PROPERTY - REFERRED TO THE LAW AND FINANCE COMMITTEE

Mayor Upchurch presented a proposal which he indicated he would like for the Law and Finance Committee to study. He indicated it is a proposal for enabling legislation relating to the planting, maintenance, removal, etc., relating to trees on public and private property. He indicated he would like for the Law and Finance Committee to look at the possibility of including this request for enabling legislation in our Legislative packet. Mr. Walters indicated the Intergovernmental Committee is working on a similar proposal with Mayor Upchurch indicating this is enabling legislation to allow us to enter into the program the Intergovernmental Committee is working on. Brief discussion took place with Ms. Block indicating she felt that we should just take this to our delegation for introduction as a local bill. City Attorney McCormick indicated it isn't a local bill. He briefly explained the proposed enabling legislation. Ms. Cates questioned if this has been done in any other City in the State with City Attorney McCormick pointing out there is no general enabling authority in the State at this point. After other discussion, by general consensus, the item was referred to Law and Finance Committee.

***JOGGERS - QUESTION OF REFLECTIVE CLOTHING - REFERRED TO THE LAW AND FINANCE COMMITTEE

Mr. Keller indicated he would like to refer to the Law and Finance Committee an item relating to the question of requiring reflective clothing for joggers. Without objection, the item was referred to Committee.

***SALARIES - MAYOR AND COUNCIL MEMBERS - REFERRED TO LAW AND FINANCE COMMITTEE

Mr. Keller requested that a review of the Mayor and City Council pay scale be referred to the Law and Finance Committee. Without objection, the item was so referred.

***SPRING PARK - STREET LIGHT - REFERRED TO ADMINISTRATION

Mr. Keller indicated the Council received a January 9 memo relative to street lighting near Spring Park. He explained this memo indicates that there is adequate lighting. He stated he did not disagree with this finding, however, he would like for administration to look further and look at the feasibility of shifting the existing light so that it will shed more light on the cul-de-sac. He indicated he understands that this is the problem area as far as the community is concerned. Without objection, the item was referred to Administration.

***REZONING Z-19-85 - NEW BERN AVENUE - PREVIOUS ACTION RESCINDED; ITEM REFERRED TO LAW AND FINANCE COMMITTEE

Mr. Congleton indicated there has been a lot of discussion relative to rezoning application Z-19-85 pointing out the Council took action to rezone this property Thoroughfare District during the last meeting. Mr. Congleton moved that the City Council rescind the previous action on application Z-19-85 and discuss it again. His motion was seconded by Ms. Babb. Ms. Block questioned if it was legal to rescind a zoning action. City Attorney McCormick indicated the general answer to that question is yes but whether the Council should rescind a zoning action is another question. He indicated there are several factors that should be taken into consideration. One is the amount of time that has passed since the original action. He indicated in this particular case only two weeks have passed. He stated there does not seem to be a lot of opposition to rescinding the action. He stated another thing that should be considered is whether anyone has made an investment based on the rezoning, that is, whether anyone would be prejudiced by the recission. Discussion took place on whether this has ever taken place before with Mr. Walters pointing out if the Council realized they made a mistake, he feels that it should be corrected. The motion to rescind the previous action was put to a vote which resulted in all members voting in the affirmative except Ms. Block who voted in the negative. The Mayor ruled the motion adopted. Ms. Block indicated her no vote is due to the fact that she feels it is a precedent setting action that will cause problems in the future.

Mr. Congleton indicated Council Members have been provided some information on this case relating to side yard requirements, etc. He indicated if this information had been available at the last meeting, he feels that the action on the zoning case would have been different. Therefore, he would recommend that the Planning Commission's recommendation on rezoning Z-19-85 be upheld, that is to rezone the property Industrial I. His motion was seconded by Mr. Walters. Ms. Babb questioned if the Planning Director is familiar with Attorney Holt's letter and is in agreement with the facts as laid out in Attorney Holt's letter. Mr. Chapman indicated he is familiar with the letter but he has not had an opportunity to review the facts to the extent that he could agree or disagree with Attorney Holt's statements. Therefore, he could not make a recommendation at this point. Mr. Walters pointed out the City Staff and the Planning Commission recommended unanimously that this property be rezoned Industrial. In response to questioning, Attorney Clyde Holt indicated he has no problem with this case going to a committee for further discussion. Without objection, the item was referred to Law and Finance Committee.

ORDINANCE NO. 1985 502 ZC 154

AN ORDINANCE TO AMEND A PORTION OF ORDINANCE 1985 487 ZC 154

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section I. That Ordinance 1985 487 ZC 154 be amended to the extent that (i) be deleted as the action to rezone the property is hereby rescinded.

Section II. That no other portion or section of Ordinance 1985 487 ZC 154 be affected by this amendment.

Section III. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section IV. That this ordinance shall become effective upon adoption.

Adopted: 2/19/85

Effective: 2/19/85

***LITTER - POSSIBILITY OF CLEAN-UP DAY - REFERRED TO THE APPEARANCE COMMISSION

Mr. Congleton indicated during the last Council Meeting there was discussion about trash and litter along the Beltline. He indicated as he travels around the City, he sees this all over the City. He pointed out New Bern Avenue is in deplorable condition as it relates to litter and trash. Mr. Congleton requested that the Council refer to the Appearance Commission, the possibility of a clean-up day with the idea of getting various organizations and civic groups involved. He stated what he is thinking about is within the next three or four months have a City-wide project and designate a specific clean-up day. Without objection, the item was referred to the Appearance Commission. Brief discussion took place about trash being created by private carriers with Mr. Walters pointing out that a few years back the Police worked very hard to make sure the private carriers were not littering as they come through town. He stated that seemed to be very effective.

***SIDEWALKS - WESTERN BOULEVARD - COMMENTS RECEIVED

Ms. Cates indicated Council Members received a memo from the City Manager relative to the sidewalks on Western Boulevard indicating she is mainly concerned about the area between Gorman Street and Avent Ferry Road which is State property. She questioned if the City could not get State University or State Government involved so that we could get a sidewalk on one side of the street or the other. She indicated she recognized it as a State responsibility but questioned if the City did not .have responsibility. City Manager Benton indicated the State has the greater responsibility. He pointed out this is a section of Western Boulevard that has no curb and gutter and sidewalks have not been installed because of problems of separating pedestrian and vehicular traffic, drainage problems, maintenance problems, etc. The comments were received.

***TRAFFIC HAZARD - MAGNOLIA TREE AT RIDGE AND CHURCHILL - REFERRED TO ADMINISTRATION

Ms. Cates indicated she would like for Administration to again look at the problem of the magnolia tree at Ridge Road/Churchill Road intersection. She indicated she understands that the staff says that there is adequate site clearance at this intersection but she is still getting complaints about the magnolia tree. She indicated people indicate that you cannot see the Churchill Street sign when you are traveling down Ridge Road. She asked that Administration look at the problem again.

***GARBAGE PICK-UP - ADMINISTRATION TO LOOK AT PROBLEMS

Ms. Block indicated she has observed and has received complaints recently about garbage pick-up service in which garbage men remove the garbage from the garbage cans and place it at the curb and then the truck comes along and picks it up. She indicated she has seen where they have put the garbage, dumped the garbage at the curb, and many people are using the small trash bags and grocery bags and while the garbage is there waiting to be picked up, neighborhood dogs get into the trash and cause problems. She indicated she likes the efficiency programs the Public Works Department has established to get the garbage picked up but this is causing problems. Administration was asked to look into the situation.

***WAKE SOIL CONSERVATION MEETING - ANNOUNCED

Ms. Block indicated the Wake Soil Conservation Service is having a meeting on February 25 at 1:00 p.m. in Room 700 of the Courthouse. She indicated they are asking all governing agencies to have someone attend this meeting pointing out it relates to the Swift Creek Basin. She indicated she plans to attend and feels it would be a good idea to have a member of the Planning Staff to also attend.

***PHOSPHATE BAN - RESOLUTION REQUESTED

Ms. Block indicated she would request that the City Council readopt the resolution relating to the phosphate ban. She questioned if there is anything in our Legislative packet about this with City Attorney McCormick indicating there is not. She

stated that she would like to see the City Council adopt a resolution and that the resolution should include dollar figures that it would cost the City of Raleigh at the treatment plant. The item was referred to Administration.

***CITY TAGS - REPLACEMENT - COMMENTS RECEIVED

Ms. Block indicated she had received a letter from one of her constituency questioning why duplicate City tags could not be issued if proof of purchase could be shown. She indicated when someone sells their car or wrecks their car and purchases a new one, they have to buy another City tag. She questioned if proof of purchase could be provided, if the City could not give a duplicate tag. Mr. Keller pointed out parking decals are issued at the University and if for some reason the car is destroyed or sold, if a person can get enough of the parking decal off the windshield - the number, etc., that a duplicate decal will be given. City Manager Benton indicated he thought if a person could show proof of purchase, that is, bring in enough of the decal to show that one has been purchased, then a new one would be issued. The comments were received with Council Members indicating if that is the case, there is no problem.

***LIBRARY REPORT - COMMENTS RECEIVED

Mayor Upchurch indicated Mr. Congleton to attend the Mayor's meeting during his absence from the City. Mr. Congleton indicated the program at the Mayor's meeting related to the libraries. Mr. Congleton indicated Tom Moore gave a report on the status of the library system pointing out the main thrust of the library system is to provide books people will read. He pointed out he was happy to learn that the circulation at the Twin Forks Library was one-half million explaining they only have 45,000 volumes. He indicated this is more than any one library in North Carolina. He stated that the Cameron Village Library will open and will carry about 1,000,000 volumes and they anticipate the circulation to overwhelming. He indicated Mr. Moore concluded by reporting that the program in Wake County is probably Number 1 in the State.

REPORT AND RECOMMENDATION OF THE CLERK AND TREASURER

***MINUTES - FEBRUARY 5 - APPROVED AS PRESENTED

The City Clerk indicated Council Members received copies of the minutes of the February 5, 1985, Council Meeting. Mr. Walters moved approval of the minutes as presented. His motion was seconded by Ms. Babb and put to a vote which passed unanimously.

***TAX REBATES AND/OR REFUNDS - RESOLUTIONS ADOPTED

Council Members received in their Agenda packet two proposed resolutions relating to tax rebates and/or refunds which are recommended for adoption. Approval is also recommended for the listing as submitted by the Wake County Tax Supervisor for refunds made during December for clerical error purposes. Mr. Walters moved the Clerk's recommendation be upheld. His motion was seconded by Ms. Block and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 724

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, the proper tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upon the tax records of the City or Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City Council finds as a fact that the reason in each instance for the refund of the tax is true, and that the same should be allowed; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed be and the same ordered refunded as may be indicated below:

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1984	Baker, Bobby Clarence	01-8-5447743	$ 9.66	Error-Illegal Bill
1984	Campen, Henry C. (Jr.)	07-2-0109131	10.21	Error-Illegal Bill
1983	Campen, Henry C. (Jr.)	07-2-0109131	15.84	Error-Illegal Bill
1983	Cannady, Laura	01-2-0011268	51.11	Error-Illegal Bill
1984	Central Carolina Bank & Trust Co.	01-1-5035083	10.95	Error-Illegal Bill
1984	Central Carolina Bank & Trust Co.	01-1-5035083	104.55	Error-Illegal Bill
1984	Chavis, Ophelia Louise	01-2-0077714	7.93	Error-Illegal Bill
1984	Collier, William Martin	01-2-5408275	32.24	Error-Illegal Bill
1984	Council, Herbert H. & Kathryn A.	01-2-0099122	69.68	Error-Illegal Bill
1984	Dunn, Queen Elsie	01-2-5061962	6.11	Error-Illegal Bill

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1982	Highwoods Co. of Ral., Inc.	17-1-0110738	851.02	Error-Illegal Bill
1983	Highwoods Co. of Ral., Inc.	17-1-0110738	860.07	Error-Illegal Bill
1983	Hunter's Creek Development Corporation	01-1-0121615	597.55	Error-Illegal Bill
1984	Hunter's Creek Development Corporation	01-1-0121615	1,021.80	Error-Illegal Bill
1984	Johnson, Sara Joanna Jeffries	01-2-5467303	23.17	Error-Illegal Bill
1984	Professional Mail Services, Inc.	01-1-5218906	270.83	Error-Illegal Bill
1983	Professional Mail Services, Inc.	01-1-5218906	223.87	Error-Illegal Bill
1982	Professional Mail Services, Inc.	01-1-5218906	93.06	Error-Illegal Bill
1983	Roten, Spencer Dane	01-2-5435157	44.21	Error-Illegal Bill
1984	Thornton, Mark Joel	07-2-5488298	12.66	Error-Illegal Bill
1983	Triangle Supply Co.	01-1-5211993	148.96	Error-Illegal Bill

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 2/19/85

RESOLUTION NO. (1985) 725

A RESOLUTION ADJUSTING, REBATING OR REFUNDING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OF PROPERTY FOR AD VALOREM TAXES

WHEREAS, pursuant to G. S. 105-331, a 10% penalty was assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to list on time was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 10% penalty assessed against the property of the following named persons be and the same is hereby adjusted, rebated or refunded as shown:

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1984	Omnilease Corp.	01-1-5267575	$ 185,094	*Relieved
1984	Omnilease Corp.	13-7-5267569	8,713	*Relieved
1984	Omnilease Corp.	12-7-5267572	1,052,643	*Relieved
1985	Southern Photo Print Co., Inc.	01-7-5273273	186,431	*Relieved

*New for 1984

Section 2. That the City/County Tax Collector and/or the City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 2/19/85

***PRELIMINARY ASSESSMENT ROLL 207, 208 AND 689 - RESOLUTIONS ADOPTED

The following preliminary assessment rolls were presented with recommendation of adoption which would set a public hearing to consider confirmation of cost at the April 2, 1985, Council Meeting.

(1) Sidewalk Assessment Roll 207 - Sidewalks on both sides of North Hills Drive from existing sidewalks north toward Lynn Road.

(2) Sidewalk Assessment Roll 208 - Installation of sidewalks on both sides of North Hills Drive from existing sidewalk south to existing sidewalks at Kintyre Court (outside the City Limits).

(3) Paving Assessment Roll 689 - Construction of a 53- foot street beginning at the existing curb and gutter in Briarwood North Subdivision, extending north to the existing curb and gutter, north of the unopened right-of-way of Millbrook Road (outside the City Limits).

Mr. Walters moved adoption of the preliminary assessment rolls as recommended. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 726

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SIDEWALK ASSESSMENT ROLL NO. 207

WHEREAS, by Resolution No. 1982-835 adopted by the City Council on February 16, 1982, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property assessable therefor;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: Installation of sidewalks on both sides of North Hills Drive from existing sidewalks north towards Lynn Road.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $4,031.26.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvement. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	LOCATION OF IMPROVEMENT	AMOUNT ASSESSED
J. Kent Crawford and Beverly	1	0073946	318	1100 Shetland Court	$ 536.23
City of Raleigh	2	0124556	-	North Hills Drive	1,466.36
Lynndale Apts., Ltd.	3	0108142	1-2	Lynndale Apts. North Hills Drive	1,193.92
City of Raleigh	4	0072415	-	North Hills Drive	834.75

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six per cent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 207 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 2nd day of April, 1985, at 7:00 P.M. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina, (or at such time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 2/19/85

OUTSIDE CITY LIMITS

RESOLUTION NO. (1985) 727

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SIDEWALK ASSESSMENT ROLL NO. 208

WHEREAS, by Resolution No. 1982-835 adopted by the City Council on February 16, 1982, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property assessable therefor;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: Installation of sidewalks on both sides of North Hills Drive from existing sidewalks south to existing sidewalks at Kintyre Court.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $3,922.34.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvement. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	LOCATION OF IMPROVEMENT	AMOUNT ASSESSED
Alex B. Andrews	1	0052086	-	North Hills Drive	$1,972.21
Alex B. Andrews	2	0052086	-	North Hills Drive	1,238.51
Ernest & Dorothy Johnson	3	0035854	-	North Hills Drive	711.62

Cost Per Foot: $3.50

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six per cent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 208 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 2nd day of April, 1985, at 7:00 P.M. in the Council Chamber, Municipal Building, in the City of Raleigh, North Carolina (or at such time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 2/19/85

OUTSIDE CITY LIMITS

RESOLUTION NO. (1985) 728

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

PAVING ASSESSMENT ROLL NO. 689
Powell Fund

WHEREAS, by Resolution No. 1982-908 adopted by the City Council on May 4, 1982, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

North Hills Drive - Construction of a 53' street back-to-back of curb beginning at the existing curb and gutter in Briarwood North Subdivision, north of Kintyre Court and extending north to the existing curb and gutter north of the unopen right-of-way of Millbrook Road.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $11,206.70.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvement. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	STREET ASSESSMENT	DRIVEWAY REPLACEMENT COST	TOTAL ASSESSMENT
Alex B. Andrews	1	0052086	563.49	$5,634.90		$5,634.90
Alex B. Andrews	2	0052086	353.86	3,538.60		3,538.60
Ernest & Dorothy Johnson	3	0035854	203.32	2,033.20		2,033.20

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 689 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 2nd day of April, 1985, at 7:00 p.m. in the Council Chamber, Municipal Building, in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 2/19/85

***ADJOURNMENT

There being no further business, Mayor Upchurch announced the meeting adjourned at 4:30 p.m.

Gail G. Smith
City Clerk and Treasurer

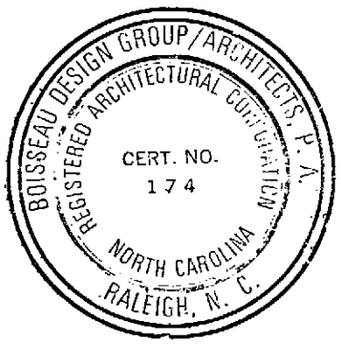
Insert in Minute Book 2/19/85
& Contg

259A

BOISSEAU DESIGN GROUP / ARCHITECTS, P.A.

ARCHITECTURE • PLANNING • DESIGN
DEVELOPMENT

February 19, 1985



Mr. Bill Singletary, Acting Director
Parks & Recreation Department
City of Raleigh, N.C.
P.O. Box 590
Raleigh, N.C. 27602

Re: APOLLO HEIGHTS COMMUNITY CENTER
RALEIGH, N.C.

Dear Mr. Singletary,

Attached please find our Certified Bid Tabulation for the above referenced project which we formally bid on February 18, 1985.

We recommend that the following low bidders be awarded their respective contracts:

1. General Construction: BUILDTEC, INC.
P.O. BOX 18768
RALEIGH, N.C. 27619
BASE BID: $159,900.00

2. Plumbing : TRIANGLE MECHANICAL CONTRACTOR, INC.
P.O. BOX 100
GARNER, N.C. 27529
BASE BID: $13,528.00

3. Mechanical (HVAC) : RURAL PLUMBING & HEATING, INC.
701 E. SIX FORKS ROAD
RALEIGH, N.C. 27609
BASE BID: $17,300.00

4. Electrical : MODERN ELECTRIC COMPANY, INC.
P.O. BOX 31728
RALEIGH, N.C. 27622
BASE BID: $12,922.00

TOTAL CONSTRUCTION COST FOR ALL 4 CONTRACTS: $203,650.00

Respectfully submitted,

BOISSEAU DESIGN GROUP/ARCHITECTS, PA

Kenneth Boisseau

Kenneth Boisseau, AIA, President

P.O. BOX 17042, RALEIGH, N.C. 27619 • (919) 847-5860

BOISSEAU DESIGN GROUP / ARCHITECTS, P.A.

ARCHITECTURE • PLANNING • DESIGN
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-259A

FEBRUARY 18, 1985

CERTIFIED BID TABULATIONS

APOLLO HEIGHTS COMMUNITY CENTER
RALEIGH, N.C.

BID DATE: FEBRUARY 18, 1985 3:00 P.M.

GENERAL CONTRACTORS	LUMP SUM BASE BID	ALTERNATES			
		NO. 1	NO. 2	NO. 3	NO. 4
1. BUILDTEC RALEIGH, N.C.	$159,900	-$4,400	-$4900	-$3030	
2. J.C. EDWARDS CONTRACTING & ENGINEERING, INC. RALEIGH, NC	$163,394	-$3500	-$4800	-$950	
3. QUALITY PLUS CONSTRUCTION, INC. RALEIGH, N.C.	NO BID				
4. TERRNELL ENTERPRISES, INC. RALEIGH, N.C.	$188,812	+$4,200	-$4900	-$820	

RESPECTFULLY SUBMITTED:

BOISSEAU DESIGN GROUP/ARCHITECTS, PA

KENNETH YATES BOISSEAU, AIA, MA
PRESIDENT

BOISSEAU DESIGN GROUP/ARCHITECTS, P.A. REGISTERED ARCHITECTURAL CORPORATION CERT. NO. 174 NORTH CAROLINA RALEIGH, N.C.

P.O. BOX 17042, RALEIGH, N.C. 27619 • (919) 847-5860

BOISSEAU DESIGN GROUP / ARCHITECTS, P.A.

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FEBRUARY 18, 1985

CERTIFIED BID TABULATIONS

APOLLO HEIGHTS COMMUNITY CENTER
RALEIGH, N.C.

BID DATE: FEBRUARY 18, 1985 3:00 P.M.

PLUMBING CONTRACTORS	LUMP SUM BASE BID	ALTERNATES			
		NO. 1	NO. 2	NO. 3	NO. 4
1. GARNER PLUMBING GARNER, N.C.	NO BID				
2. MALLARD MECHANICAL RALEIGH, N.C.	$13,888				
3. RURAL PLUMBING & HEATING RALEIGH, N.C.	NO BID				
4. TRIANGLE MECHANICAL GARNER, N.C.	$13,528				
5. W.R. LANE BUILDING CO. RALEIGH, N.C.	NO BID				
6. AAA ELECTRIC RALEIGH, N.C.	$20,350				

RESPECTFULLY SUBMITTED:

BOISSEAU DESIGN GROUP/ARCHITECTS, PA

KENNETH YATES BOISSEAU, AIA, MA
PRESIDENT

BOISSEAU DESIGN GROUP/ARCHITECTS, P.A.
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FEBRUARY 18, 1985

P-259A

CERTIFIED BID TABULATIONS

APOLLO HEIGHTS COMMUNITY CENTER
RALEIGH, N.C.

BID DATE: FEBRUARY 18, 1985 3:00 P.M.

HVAC CONTRACTORS	LUMP SUM BASE BID	ALTERNATES NO. 1	NO. 2	NO. 3	NO. 4
1. AAA ELECTRICAL RALEIGH, N.C.	NO BID				
2. MALLARD MECHANICAL RALEIGH, N.C.	$18,888				
3. NEWCOMB & COMPANY RALEIGH, N.C.	NO BID				
4. RURAL PLUMBING & HEATING RALEIGH, N.C.	$17,300				
5. WATCO GARNER, N.C.	$29,777				

RESPECTFULLY SUBMITTED:

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FEBRUARY 18, 1985

CERTIFIED BID TABULATIONS

APOLLO HEIGHTS COMMUNITY CENTER
RALEIGH, N.C.

BID DATE: FEBRUARY 18, 1985 3:00 P.M.

ELECTRICAL CONTRACTORS	LUMP SUM BASE BID	ALTERNATES			
		NO. 1	NO. 2	NO. 3	NO. 4
1. AAA ELECTRICAL RALEIGH, N.C.	$17,700				-$1100
2. BITTING ELECTRIC CARY, N.C.	$16,674				-$670
3. MALLARD MECHANICAL RALEIGH, N.C.	$18,444				NO CHANGE
4. MODERN ELECTRIC RALEIGH, N.C.	$12,922				-$1940
5. UNITED ELECTRIC CARY, N.C.	NO BID				
6. WATSON ELECTRIC WILSON, N.C.	$15,495				-$700
7. WELLS ELECTRIC RALEIGH, N.C.	$13,926				NO CHANGE

RESPECTFULLY SUBMITTED:

BOISSEAU DESIGN GROUP/ARCHITECTS, PA

KENNETH YATES BOISSEAU, AIA, MA
PRESIDENT

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